

COMMISSION IMPLEMENTING REGULATION (EU) No 208/2012**of 9 March 2012****amending Implementing Regulation (EU) No 562/2011 adopting the plan allocating to the Member States resources to be charged to the 2012 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the European Union and derogating from certain provisions of Regulation (EU) No 807/2010**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular points (f) and (g) of Article 43, in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1234/2007 as amended by Regulation (EU) No 121/2012 of the European Parliament and of the Council ⁽³⁾ has established a scheme whereby food products may be distributed to the most deprived persons in the Union. For that purpose, products in intervention stocks may be made available or, where intervention stocks suitable for the food distribution scheme are not available, food products may be purchased on the market. For 2012 and 2013, that scheme is included in the list of measures eligible for financing by the European Agricultural Guarantee Fund (EAGF) set out in Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁴⁾, within an annual ceiling of EUR 500 million.
- (2) In accordance with Article 27(3) of Regulation (EC) No 1234/2007 the Commission has to adopt annual plans. The annual distribution plan for 2012 was adopted on 10 June 2011 by Commission Implementing Regulation (EU) No 562/2011 ⁽⁵⁾ solely on the basis of products available in intervention stocks. The additional resources made available on the 2012 budget year for the distribution of food products to the most deprived persons in the Union, as a result of the amendment of Article 27 of Regulation (EC) No 1234/2007 by Regulation (EU) No 121/2012, should be allocated to the Member States.
- (3) In order to enforce the annual budgetary ceiling, the intra-Union transfer costs, where relevant, should be included into the total financial allocation made

available for each Member State to implement the 2012 distribution plan. Moreover, the deadlines fixed by Article 9 of Commission Regulation (EU) No 807/2010 of 14 September 2010 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Union ⁽⁶⁾ for the requests for payment and the execution of payments by the competent authorities should be adjusted, in order to ensure that the resources allocated within the 2012 distribution plan are only eligible for Union support if those payments are made in the 2012 budget year.

- (4) Taking into account the shortened time-frame left to the Member States for the implementation of the 2012 distribution plan as a consequence of the date of entry into force of Regulation (EU) No 121/2012, it is appropriate to grant an extension of the deadlines provided for in Article 3(1) and (3) of Regulation (EU) No 807/2010 as regards the implementation period of the annual plan and the completion of the payment operations for products mobilised on the market.
- (5) That revision of the distribution plan for 2012 being made at a time when national administrative arrangements for the implementation of the plan should be approaching completion, the quantities of products available in intervention stocks which are reallocated following the decision of Finland to renounce to a part of its allocation of skimmed milk powder or to reassessment of the exact quantities in intervention storage should not be taken into account for calculating whether Member States have respected the obligation laid down in the second and third subparagraphs of Article 3(2) of Regulation (EU) No 807/2010 to have withdrawn 70 % of cereals and skimmed milk powder by the deadlines fixed in that Article.
- (6) In view of the fact that the implementation period of the 2012 distribution plan is already advanced and to allow Member States as much time as possible to proceed to the actions needed for the implementation of the amended plan, this Regulation should enter into force on the day of its publication.
- (7) Implementing Regulation (EU) No 562/2011 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 44, 16.2.2012, p. 1.

⁽⁴⁾ OJ L 209, 11.8.2005, p. 1.

⁽⁵⁾ OJ L 152, 11.6.2011, p. 24.

⁽⁶⁾ OJ L 242, 15.9.2010, p. 9.

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 562/2011 is amended as follows:

(1) Articles 1 and 2 are replaced by the following:

Article 1

1. In 2012, the distribution of food to the most deprived persons in the Union under Article 27 of Regulation (EC) No 1234/2007 shall be implemented in accordance with the annual distribution plan set out in Annex I to this Regulation.

Financial resources available to implement the 2012 plan can be used by Member States within the limits set out in point (a) of Annex I.

The quantities of each type of product to be withdrawn from intervention stocks are set out in point (b) of that Annex.

Indicative allocations to Member States for the purchase of food products on the Union market are set out in point (c) of that Annex.

2. The use of cereals as payment for mobilising rice products on the market is authorised, as referred to in Article 4(2) of Regulation (EU) No 807/2010.

Article 2

The intra-Union transfer of products listed in Annex II to this Regulation shall be authorised, subject to the conditions laid down in Article 8 of Regulation (EU) No 807/2010. Indicative allocations to Member States for the reimbursement of the cost of intra-Union transfers, as required under the annual distribution plan referred to in Article 1, are set out in point (d) of Annex I.;

(2) the following Articles 2a to 2d are inserted:

Article 2a

By way of derogation from Article 3(1) of Regulation (EU) No 807/2010, the implementation period of the 2012 distribution plan shall end on 28 February 2013.

Article 2b

By way of derogation from Article 3(3) of Regulation (EU) No 807/2010, for the 2012 distribution plan, payment operations for products to be supplied by the operator shall, in case of products to be mobilised on the market under Article 2(3)(a)(iii) and (iv) of Regulation (EU) No 807/2010, be effected before 15 October 2012.

Article 2c

For the 2012 distribution plan, the first sentence of the second subparagraph and the third subparagraph of Article 3(2) of Regulation (EU) No 807/2010, where relevant, shall not apply to the following quantities of intervention stocks:

- (a) 5,46 tonnes of cereals stored in the United Kingdom and allocated to Bulgaria;
- (b) 0,651 tonne of cereals stored in Finland and allocated to Bulgaria;
- (c) 249,04 tonnes of cereals stored in France and allocated to France;
- (d) 635,325 tonnes of skimmed milk powder stored in Estonia and allocated to Estonia.

Article 2d

By way of derogation from Article 9 of Regulation (EU) No 807/2010, for the 2012 distribution plan, requests for payment shall be submitted to the competent authorities of each Member State by 30 September 2012. Except in cases of *force majeure*, requests submitted after that date shall not be accepted.

Expenditure, within the limits set out in point (a) of Annex I, shall only be eligible for Union financing if it has been paid by the Member State to the beneficiary by 15 October 2012 at the latest.;

(3) Annexes I and II are replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 March 2012.

For the Commission
The President

José Manuel BARROSO

ANNEX

‘ANNEX I

ANNUAL DISTRIBUTION PLAN FOR 2012

(a) Total amounts of financial resources broken down per Member State:

(EUR)

Member State	Amount
Belgium	11 710 463
Bulgaria	21 439 346
Czech Republic	135 972
Estonia	2 359 486
Ireland	2 594 467
Greece	21 651 199
Spain	80 401 345
France	70 563 823
Italy	95 641 425
Latvia	5 558 220
Lithuania	7 491 644
Luxembourg	171 704
Hungary	13 715 022
Malta	721 992
Poland	75 296 812
Portugal	19 332 607
Romania	60 689 367
Slovenia	2 533 778
Slovakia	5 098 384
Finland	2 892 944
Total	500 000 000

(b) Quantity of each type of product to be withdrawn from Union intervention stocks for distribution per Member State within the limits set out in point (a) of this Annex:

(tonnes)

Member State	Cereals	Skimmed milk powder
Belgium		1 560,275
Bulgaria	39 150,874	
Czech Republic	450,000	

(tonnes)

Member State	Cereals	Skimmed milk powder
Estonia		635,325
Ireland		727,900
Greece		2 682,575
Spain		10 093,975
France	249,040	8 858,925
Italy		12 337,975
Latvia		870,050
Lithuania		1 032,575
Hungary		1 807,425
Malta	1 230,373	
Poland		9 662,825
Portugal		2 524,725
Romania	112 527,069	
Slovenia		287,750
Slovakia	8 976,092	
Finland		489,300
Total	162 583,448	53 571,600

- (c) Indicative allocations to Member States for the purchase of food products on the Union market within the limits set out in point (a) of this Annex:

(EUR)

Member State	Amount
Belgium	8 346 393
Bulgaria	14 004 438
Czech Republic	70 619
Estonia	1 136 698
Ireland	1 200 145
Greece	15 656 380
Spain	57 977 800
France	51 172 604
Italy	68 479 620

(EUR)

Member State	Amount
Latvia	3 736 468
Lithuania	5 281 095
Luxembourg	161 225
Hungary	9 751 550
Malta	493 784
Poland	54 100 415
Portugal	13 763 634
Romania	39 979 504
Slovenia	1 883 893
Slovakia	3 590 632
Finland	1 871 094
Total	352 657 991

- (d) Indicative allocations to Member States for the reimbursement of intra-Union transfer costs within the limits set out in point (a) of this Annex:

(EUR)

Member State	Amount
Bulgaria	2 300 431
Czech Republic	12 211
Greece	126 066
Spain	401 345
France	17 915
Italy	399 005
Latvia	5 509
Hungary	61 128
Malta	63 361
Poland	205 907
Portugal	108 700
Romania	5 970 071
Slovenia	7 073
Slovakia	305 884
Finland	15 394
Total	10 000 000

ANNEX II

(a) Intra-Union transfers of cereals authorised under the distribution plan for the 2012 budget year:

	Quantity (in tonnes)	Holder	Recipient
1	33 989,414	Agency for Rural Affairs, Finland	Държавен фонд "Земеделие" — Разплащателна агенция, Bulgaria
2	5 161,460	RPA, United Kingdom	Държавен фонд "Земеделие" — Разплащателна агенция, Bulgaria
3	450,000	SJV, Sweden	SZIF, Czech Republic
4	1 230,373	SJV, Sweden	Ministry for Resources and Rural Affairs Paying Agency, Malta
5	16 856,043	BLE, Germany	Agenția de Plăți și Intervenție pentru Agricultură, Romania
6	41 360,295	Agency for Rural Affairs, Finland	Agenția de Plăți și Intervenție pentru Agricultură, Romania
7	54 310,731	SJV, Sweden	Agenția de Plăți și Intervenție pentru Agricultură, Romania
8	147,000	FranceAgriMer, France	Pôdohospodárska platobná agentúra, Slovakia
9	8 829,092	SJV, Sweden	Pôdohospodárska platobná agentúra, Slovakia

(b) Intra-Union transfers of skimmed milk powder authorised under the distribution plan for the 2012 budget year:

	Quantity (in tonnes)	Holder	Recipient
1	2 682,575	BLE, Germany	OPEKEPE, Greece
2	330,350	SZIF, Czech Republic	FEGA, Spain
3	6 308,425	OFI, Ireland	FEGA, Spain
4	3 455,200	RPA, United Kingdom	FEGA, Spain
5	2 118,875	RPA, United Kingdom	FranceAgriMer, France
6	7 904,825	BIRB, Belgium	AGEA, Italy
7	1 476,375	OFI, Ireland	AGEA, Italy
8	2 749,625	Dienst Regelingen Roermond, Netherlands	AGEA, Italy
9	207,150	SJV, Sweden	AGEA, Italy
10	870,050	Lietuvos žemės ūkio ir maisto produktų rinkos reguliavimo agentūra, Lithuania	Rural Support Service, Latvia
11	1 807,425	RPA, United Kingdom	Mezőgazdasági és Vidékfejlesztési Hivatal, Hungary
12	3 294,150	BLE, Germany	ARR, Poland

	Quantity (in tonnes)	Holder	Recipient
13	1 675,025	Lietuvos žemės ūkio ir maisto produktų rinkos reguliavimo agentūra, Lithuania	ARR, Poland
14	4 692,825	RPA, United Kingdom	ARR, Poland
15	2 524,275	RPA, United Kingdom	IFAP I.P. Portugal
16	287,750	Dienst Regelingen Roermond, Netherlands	Agencija Republike Slovenije za kmetijske trge in razvoj podeželja, Slovenia
17	489,300	Dienst Regelingen Roermond, Netherlands	Agency for Rural Affairs, Finland'