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►B **COMMISSION IMPLEMENTING REGULATION (EU) No 562/2011**

of 10 June 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

(OJ L 152, 11.6.2011, p. 24)

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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) In accordance with Article 2 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 ([3]), the Commission has to adopt a distribution plan to be financed from resources available in the 2012 budget year. That plan has to lay down, in particular, for each of the Member States applying the measure, the maximum financial resources available to carry out its part of the plan, and the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies.

(2) The Member States involved in the distribution plan for the 2012 budget year have supplied the Commission with the information required in accordance with Article 1 of Regulation (EU) No 807/2010.

(3) For the purposes of resource allocation, account must be taken of experience and of the degree to which the Member States used the resources allocated to them in previous years.

(4) Taking into account the fact that availability of intervention stocks for the supply of the scheme for food distribution to the most deprived persons is substantially reduced in relation to the previous year, it is appropriate that the 2012 annual plan is adopted as soon as the Member States supplied the Commission with the information required in Article 1 of Regulation (EU) No 807/2010. The fast adoption aims to allow the Member States additional time to organize the implementation of the Union annual plan with a view to giving a chance to national authorities and charities to find alternative sources of food.

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 349, 24.12.1998, p. 1.
([3]) OJ L 242, 15.9.2010, p. 9.

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(5) Article 4 of Regulation (EU) No 807/2010 provides that, where no rice is available in intervention stocks, the Commission may authorise the removal of cereals from the intervention stocks as payment for the supply of rice or rice products mobilised on the market. Accordingly, given that there are currently no intervention stocks of rice, the removal of cereals from intervention stocks as payment for mobilising rice products in the market should be authorised.

(6) Article 8(1) of Regulation (EU) No 807/2010 provides for the transfer between Member States of products unavailable in the intervention stocks of the Member State in which such products are required to implement the annual distribution plan. Accordingly, the intra-Union transfers necessary to implement that plan for 2012 should be authorised, subject to the conditions laid down in Article 8 of Regulation (EU) No 807/2010.

(7) Due to the current market situation in the cereals sector, which is marked by high market price levels, it is appropriate, in order to secure the Union's financial interests, to increase the security, which is to be lodged by the contractor undertaking the supply operation of cereals as provided for in Articles 4(3) and 8(4) of Regulation (EU) No 807/2010.

(8) To implement the annual distribution plan, the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 should be the date on which the financial year for administration of stocks in public storage starts.

(9) In accordance with Article 2(2) of Regulation (EU) No 807/2010, the Commission has consulted the major organisations familiar with the problems of the most deprived persons in the Union when drawing up the annual distribution plan.

(10) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

▼M1

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.

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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.

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.

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Article 3

By way of derogation from the fifth subparagraph of Article 4(3) and from the first subparagraph of Article 8(4) of Regulation (EU) No 807/2010, for the 2012 distribution plan, before cereals are removed from intervention, the contractor undertaking the supply operation shall lodge a security equal to EUR 150 per tonne.

Article 4

For the purpose of implementing the annual distribution plan referred to in Article 1 of this Regulation, the date of the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 shall be 1 October 2011.

Article 5

This Regulation shall enter into force on the third day following that 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.

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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	

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(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

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(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

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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

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	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