REGULATION (EEC) No 832/75 OF THE COMMISSION

of 26 March 1975

laying down detailed rules for the application of the system of aid for dehydrated fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 1067/74 (1) of 30 April 1974 on the common organization of the market in dehydrated fodder, and in particular Articles 3 (5) and 4 (5) thereof;

Having regard to the conditions laid down in Article 1 of Council Regulation (EEC) No 1192/74 (2) of 13 May 1974 on aid for dehydrated fodder, as amended by Regulation (EEC) No 156/75 (3), the minimum quality prescribed for such products, expressed in terms of moisture and protein content, should be that recorded on the Community market; whereas, taking commercial practices into account, the moisture content should be differentiated according to the drying process used;

Whereas Article 5 of Regulation (EEC) No 1192/74 provides that Member States shall set up a supervisory system in order to verify, for each drying plant, whether the conditions set out in that Regulation have been complied with and whether a plant's output of dehydrated fodder meeting the minimum quality requirement corresponds to the quantity for which aid has been requested; whereas, consequently, the accounts of drying plants, declarations of area and applications for aid must include the minimum details necessary for such verification; whereas the other documentary evidence which may be required of drying plants for the purposes of such verification should also be indicated;

Whereas, in order to ensure that such verification is effective, provision should be made to define the term 'drying plant' and also the date on which fodder is to be regarded as having left such plant;

Whereas, in order to facilitate verification of the entitlement to aid and so that Member States may know the estimated volume of production, provision should be made specifying a date by which contracts concluded between drying plants and farmers are to be lodged;

Whereas, in order to facilitate the marketing of fodder for dehydration, it should be provided that each contract must be concluded in writing and indicate in particular the date on and term for which it is concluded and the names and addresses of the Contracting Parties;

Whereas, to simplify the operation of the aid arrangements, Member States should be allowed to specify a minimum quantity in respect of which an application for aid may be made;

Whereas the proper operation of the system requires that uniform provisions for the payment of aid be laid down;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down with effect from the marketing year 1975/76 detailed rules for the application of the system of aid for dehydrated fodder.

Article 2

1. For the purposes of this Regulation, 'drying plant' means the following:

(a) any premises or other place within the periphery of an establishment where drying is carried out by means of a drier which satisfies the following requirements:

— air temperature at the entry point not less than 93 °C;

— residence time of the fodder being dehydrated not exceeding three hours;

— in case of drying in layers of fodder, bed depth of each layer no deeper than one metre;

(b) where the dehydrated fodder cannot be stored within the periphery as aforesaid, any storage place outside it offering adequate safeguards for purposes of verification of the fodder stored there being a place approved in advance by the authority responsible for such verification;

(1) OJ No L 120, 1. 5. 1974, p. 2.
(2) OJ No L 131, 14. 5. 1974, p. 1.
(3) OJ No L 19, 24. 1. 1975, p. 5.

(c) in the case of mobile drying equipment :

— the totality of such drying equipment, provided that this includes a dryer which satisfies the requirements set out in (a) ;

— if the dehydrated fodder is stored by the person having dried it, any storage place which satisfies the provisions of (b).

2. For the purposes of this Regulation, dehydrated fodder shall be considered to have left the drying plant where :

(a) it leaves such plant in the unaltered state ;

(b) it has been mixed within that plant with raw materials, other than those specified in Article 1 of Regulation (EEC) No 1067/74, with a view to the manufacture of feed.

3. By way of derogation from paragraph 2, where a drying plant uses fodder dried by it for the purposes of a farming enterprise belonging to it, the dehydrated fodder produced during a period to be fixed, at least twice during each marketing year, by each Member State shall be considered to have left the drying plant on the last day of such period.

Article 3

1. The maximum moisture content as referred to in subparagraph (a) of Article 1 of Regulation (EEC) No 1192/74 shall be :

— 12 % for dehydrated fodders which have undergone a milling process ;

— 14 % for other dehydrated fodders.

2. The minimum crude protein content as referred to in subparagraph (b) of Article 1 of the aforementioned Regulation shall be 14 %.

Article 4

1. In addition to the details referred to in Article 2 (a) of Regulation (EEC) No 1192/74, the stock accounts of drying plants must include at least details of :

— the quantities and the quality of dehydrated fodder entering the plant,

— the stock of dehydrated fodder at the end of each marketing year,

— the dates on which the dehydrated fodder left the plant.

2. Where a drying plant also dries products other than fodder as specified in Article 1 of Regulation (EEC) No 1067/74, it shall keep separate accounts in respect of these other drying activities.

Article 5

1. The other documentary evidence to be supplied by drying plants shall be as follows :

(a) in the case of all drying plants :

— particulars whereby the production capacity of the plant may be determined,

— details of the fuel stocks held in the plant at the beginning of the production period,

— invoices for the purchase of fuel and the meter readings of consumption of electricity during the production period,

— details of fuel stocks held at the end of that period,

— details of the number of hours worked by the staff of the plant ;

(b) in the case of drying plants which sell their own output, the invoices in respect of their sales of dehydrated fodder, with details in particular of :

— the quantity and the quality of the fodder sold,

— the name and address of the purchaser ;

(c) in the case of plants processing for their members fodder produced by those members, the delivery orders or any other accounting document acceptable to the body responsible for verification, with details in particular of :

— the quantity and quality of the processed fodder delivered,

— the names of the persons to whom such fodder was delivered ;

(d) in the case of plants processing for farmers fodder supplied by those farmers, invoices in respect of their processing charges, with details in particular of :

— the quantity and the quality of dehydrated fodder produced,

— the names of the farmers concerned ;

(e) in the case of drying plants using, on farms which belong to them, fodder dried by them :

— details of the number of livestock on such farms at the beginning of the marketing year,

— details of any changes in such livestock numbers during the marketing year.

2. The documentary evidence referred to in paragraph 1 shall be supplied by the plant at the request of the body responsible for verification of entitlement to aid.

Article 6

The declaration of areas referred to in Article 3 of Regulation (EEC) No 1192/74 shall be submitted each year at latest on 31 October following the beginning of the marketing year concerned.

Each declaration shall include at least the following:

— particulars of the area in hectares and ares and broken down by crop;
— the cadastral register number of the areas or a reference recognized as equivalent by the body responsible for the verification of the areas.

Article 7

Drying plants shall lodge with the body responsible for verification of the entitlement to aid, not later than one month after the date on which they are concluded, contracts as referred to in Article 4 (1) of Regulation (EEC) No 1192/74.

Article 8

1. Contracts shall be in writing. They shall be made in respect of a specified crop area or of an estimated quantity of fodder.

2. In addition to the provisions specified in Article 4 (2) of Regulation (EEC) No 1192/74, each contract shall include *inter alia* the following:

(a) the names, forenames and addresses of the contracting parties;
(b) the date on which it is concluded;
(c) the term for which it is concluded;
(d) the type or types of crop concerned;
(e) where the contract is in respect of a specified area, the particulars necessary for the identification of the area concerned.

Article 9

1. Sampling pursuant to Article 5 (2) of Regulation (EEC) No 1192/74 shall be carried out for each lot of dehydrated fodder in accordance with a standard Community method. However, until Community provisions are adopted in this matter, Member States shall use a method of their choice.

2. A 'lot' means a specific quantity of fodder leaving a drying plant at the same time.

3. However, where fodder leaves in quantities of less than 100 metric tons, the fodder leaving during a period to be fixed by the Member States shall be regarded as a single lot in so far as the overall quantity of such fodder does not exceed 100 metric tons. Each sample must be representative of the quantities concerned.

4. The determination of moisture and crude protein content shall be carried out for each lot in accordance with the method laid down in the Community provisions establishing Community methods of analysis for the official control of feedingstuffs.

Article 10

Aid shall be granted to drying plants on applications to be submitted not later than 31 May following the end of the marketing year. Member States may prescribe a minimum quantity per application.

Article 11

Every application for aid shall contain at least the following;

— the name, forename, address and signature of the applicant;
— particulars of the quantity in respect of which application for aid is made;
— the date or dates on which each quantity left the plant.

Article 12

The Member State concerned shall pay the amount of the aid within 180 days following receipt of the application.

Article 13

Each Member State shall inform the other Member States and the Commission, not later than one month after the date on which they are put into effect, of the provisions adopted by it for the purposes of the verification provided for in Article 5 (1) of Regulation (EEC) No 1192/74. Where such provisions are not adequate for the purposes of that paragraph, the amendments which the Member State concerned must make to them shall be decided under the procedure laid down in Article 12 of Regulation (EEC) No 1067/74.

Article 14

Member States shall assist each other in the application of the provisions of this Regulation, particularly as regards the verification of entitlement to aid.

Article 15

This Regulation shall enter into force on 1 April 1975.

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

Done at Brussels, 26 March 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission