COMMISSION REGULATION (EEC) No 2752/89

of 12 September 1989

laying down detailed rules for the payment of a premium to manufcturers of potato starch including provisions on the minimum price to be paid to potato producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1834/89 (2), and in particular Article 11a (3) thereof,

Having regard to Council Regulation (EEC) No 1008/86 of 25 March 1986 laying down detailed rules for production refunds applicable to potato starch (3), as amended by Regulation (EEC) No 1223/89 (4), and in particular Article 3 thereof,

Whereas in accordance with Regulation (EEC) No 1008/86 it is necessary to lay down the conditions and rules governing the payment of the premium to potato starch manufacturers;

Whereas rules should be laid down on how starch manufacturers are to provide proof of the quantities of potatoes supplied to them, specifying their starch content, and payment of the minimum price payable to the potato grower;

Whereas the net weight of the potatoes is determined in the Member States by three different methods which experience has shown to give equally satisfactory results; whereas all three methods may be approved and applied;

Whereas potatoes wich cannot be used for the manufacture of starch should not qualify for the premium; whereas, to take account of those potatoes which are too small to give a normal yield on processing, a certain reduction should be made in the net weight used for calculating the minimum price payable by the starch manufacturer for the quantity of potatoes needed to manufacture one tonne of starch;

Whereas the main data relating to deliveries should be entered by the starch manufacturers on a receipt form and summarized on a payment slip made out by the starch manufacturer with a view to providing the information necessary for payment of the premium and for verifying entitlement thereto;

Whereas the checks which must be carried out on the potatoes, in particular to determine their starch content, call for facilities which only the starch manufacturers can provide; whereas the checks in question should be carried out at the starch works or at the delivery points operated by the latter, under the authority of an inspector approved by the Member State;

Whereas satisfactory operation of the arrangements introduced requires general surveillance by the national authorities of the whole of the operations conferring entitlement to the premium and sufficiently dissuasive penalization of fraud and serious negligence;

Whereas, following the repeal of Regulation (EEC) No 2742/75 of the Council of 29 October 1975 on production refunds in the cereals and rice sectors (5), as last amended by Regulation (EEC) No 1009/86 (6), Regulation (EEC) No 1058/68 of the Commission of 24 July 1968 laying down detailed rules for the application of Regulation No 371/67/EEC in respect of the production refund on potato starch (7) and Commission Regulation (EEC) No 1603/79 of 26 July 1979 laying down rules for the payment of a premium to producers of potato starch and repealing Regulation (EEC) No 1809/78 (8), as last amended by Regulation (EEC) No 3817/85 (9), should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Starch manufacturers shall take delivery of potatoes either at the starch works themselves or at their delivery points. The operations described in Articles 2 and 4 shall be carried out at the time of delivery and under the authority of an inspector approved by the Member State.

Article 2

1. The gross weight of the potatoes shall be determined for each load at the time of delivery, where application of one of the methods described in Annex I so requires, by comparative weighings of the means of transport used, loaded and empty.

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 180, 27. 6. 1989, p. 1.
(3) OJ No L 94, 9. 4. 1986, p. 5.
(4) OJ No L 128, 11. 5. 1989, p. 13.
(5) OJ No L 281, 1. 11. 1975, p. 57.
(6) OJ No L 94, 9. 4. 1986, p. 6.
(7) OJ No L 179, 25. 7. 1968, p. 32.
(8) OJ No L 189, 27. 7. 1979, p. 58.
(9) OJ No L 368, 31. 12. 1985, p. 16.

2. The net weight of the potatoes shall be determined by one of the methods described in Annex I.

Article 3

1. The premium shall be granted to potato starch manufacturers in respect of potatoes of sound and fair marketable quality, on the basis of the quantity of potatoes used and their starch content, at the rates laid down in Annex II.

In cases where the starch content of the potatoes is calculated by Reimann's or Perow's scale and corresponds to a figure appearing on two or three lines in the second column of the Annex, the rates applicable shall be those for the second or the third line.

2. Where the batches delivered contain 25 % or more of potatoes that can pass through a screen with a square mesh of 28 mm (hereinafter referred to as 'tailings'), the net weight used for determining the minimum price to be paid by the starch manufacturer shall be reduced as follows :

Percentage of tailings	Percentage reduction
26 — 30	10
31 — 40	15
41 — 50	20

If the batches contain more than 50 % of tailings, they shall be traded by mutual agreement and no premium shall be paid thereon.

The percentage of tailings shall be determined at the same time as the net weight.

Article 4

The starch content of potatoes shall be determined on the basis af an underwater weight valid for 5 050 grams of potatoes supplied.

The water used must be clean and without additives, and its temperature must be between 9 and 18° C.

Article 5

1. When a delivery takes place the starch manufacturer shall make out a receipt form including such of the following particulars as arise from operations effected in accordance with the preceding Articles, and shall retain it so that it may, if necessary, be submitted to the agency responsible for the supervision of premiums, at the same time supplying a duplicate to the grower and to his agent if one is employed :

— date of delivery,
— delivery number,
— name and address of the grower,
— weight of the means of transport on arrival at the starch works or delivery point,
— weight of the means of transport after unloading and removal of residual earth,
— gross weight of the delivery,
— reduction for extraneous matter and weight of water absorbed during washing, expressed as a percentage and applied to the gross weight of the delivery,
— reduction for extraneous matter, expressed in weight and applied to the gross weight of the delivery,
— percentage of tailings,
— total net weight of the delivery (gross weight less the reduction, including the correction for tailings),
— starch content, expressed as a percentage or underwater weight,
— unit price to be paid.

2. The receipt form shall be made out under the joint responsibility of the starch manufacturer, the approved inspector and the supplier.

Article 6

The starch manufacturer shall, for each supplier (grower), draw up a summary payment slip containing the following particulars :

— business name of the starch works,
— name and address of the grower,
— production contract number, if applicable,
— date and number of the receipt forms,
— net weight of each delivery after any reductions as mentioned in Article 5,
— unit price per delivery,
— total amount due to the grower,
— sums paid to the grower and date of payment,
— signature and stamp of the starch manufacturer.

Article 7

The premium provided for in Article 2 (1) of Regulation (EEC) No 1008/86 shall be paid to manufacturers of potato starch in the Community provided that they furnish proof :

(a) that the potato starch for which the premium is claimed has been manufactured within the Community during the marketing year concerned starting on 1 July and ending on 30 June of the following year ;

(b) that an amount not less than that referred to in Article 1 (1) of Regulation (EEC) No 1008/86 has been paid to the potato grower at the delivered-to-factory stage for the quantity of potatoes needed to manufacture each tonne of potato starch for which the premium is claimed.

Proof of the payment referred to in (b) shall be furnished by submission of the summary payment slip provided for in Article 6, accompanied either by certification of payment by the grower or by a voucher issued by the financial undertaking that made the payment on the order of the starch manufacturer and certifying that such payment has been made.

Article 8

The premium shall be paid by the Member State on whose territory the potato starch was manufactured, within four months of the date on which the proof referred to in Article 7 has been furnished.

Article 9

1. Without prejudice to Article 1, Member States shall introduce inspection arrangements for on-the-spot verification of the operations conferring entitlement to the premium. In order to carry out such checks, inspectors shall have access to the stock records and accounts of starch manufacturers and to manufacturing and storage premises.

During each processing period inspection shall cover the entire processing of at least 10 % of the potatoes supplied to the manufacturer.

2. Should the competent body establish that the obligations specified in Article 7 have not been met by the manufacturer, he shall, unless *force majeure* applies, lose entitlement to premiums for the whole of the marketing year in question.

Article 10

Regulations (EEC) No 1058/68 and (EEC) No 1603/79 are hereby repealed.

Article 11

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

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 12 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Method A

The net weight of the potatoes is determined by taking samples. Samples are taken from several parts of the means of transport used and at three different levels, namely the upper, middle and lower levels.

The residual earth is discharged before the means of transport is weighed empty.

Samples taken for weight checking should weigh not less than 20 kilograms. The tubers are washed, cleaned of any extraneous matter and re-weighed.

The recorded weight is reduced by 2 % to allow for the quantity of water absorbed during washing. The result constitutes the total reduction to be applied to 1 000 kilograms of potatoes.

Method B

The potatoes constituting a batch from a single grower are collected in silos.

The potatoes are washed, the extraneous matter is removed and the total actual weight of the potatoes in the silos is determined, allowing 2 % for absorbed water.

Method C

1. This method of determining the actual weight of the potatoes shall apply where batches of potatoes from different growers are collected in the same silo, provided that the growers have first agreed to the use of this method.

   Before the total actual weight of the batches is determined, the net weight of each batch must be determined by means of Method A.

2. The potatoes collected in the silo are then washed, the extraneous matter is removed and their total actual weight is determined, allowing 2 % for absorbed water.

3. If the total weight of the batches of washed potatoes is different from the sum of the weights obtained by means of Method A, the following correction is applied : the total weight mentioned at point 2 above is multiplied by the net weight obtained by means of Method A for each batch in turn.

   Each result is divided by the total net weight of the batches as determined by means of Method A.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Peso húmedo 5 050 g de patatas (en gramos)	Contenido en fécula de la patata (en porcentaje)	Cantidad necesaria de patatas para la fabricación de 1 000 kg de fécula (en kilogramos)	Prima que deberá percibir el fabricante de fécula por 1 000 kg de patatas (en ecus)
Vægt under vand af 5 050 g kartofler (g)	Kartoflernes stivelsesindhold (vægtprocent)	Kartoffelmængde, der medgår til fremstilling af 1 000 kg stivelse (kg)	Præmie at betale kartoffelstivelsesfabrikanten pr. 1 000 kg kartofler (ECU)
Unterwassergewicht von 5 050 g Kartoffeln (in Gramm)	Stärkegehalt der Kartoffeln (in Prozent)	Zur Erzeugung von 1 000 kg Kartoffelstärke nötige Kartoffelmenge (in kg)	Dem Stärkehersteller für 1 000 kg Kartoffeln zu zahlende Prämie (in Ecu)
Βάρος υπό τό ύδωρ 5 050 γρ γεωμήλων (σέ γραμμάρια)	Περιεκτικότητα σέ άμυλο τού γεωμήλου (%)	Ποσότητα γεωμήλων απαραίτητη γιά παραγωγή 1 000 χγρ αμύλου (σέ χιλιόγραμμα)	Πριμοδότηση πρός πληρωμή στόν παραγωγό γιά 1 000 χγρ γεωμήλων (σέ Ecu)
Underwater weight of 5 050 g of potatoes (grams)	Starch content of potatoes (%)	Quantity of potatoes required for the manufacture of 1 000 kg of starch (kg)	Premium to be paid to the starch producer per 1 000 kg of potatoes (in ecus)
Poids sous l'eau de 5 050 g de pommes de terre (en grammes)	Teneur en fécule de la pomme de terre (en pourcentage)	Quantité de pommes de terre nécessaire à la fabrication de 1 000 kg de fécule (en kilogrammes)	Prime à percevoir par le féculier pour 1 000 kg de pommes de terre (en écus)
Peso sott'acqua di 5 050 g di patate (in grammi)	Tenore di fecola delle patate (in %)	Quantità di patate necessaria per la fabbricazione di 1 000 kg di fecola (in kg)	Premio da versare al fabbricante di fecola per 1 000 kg di patate (in ECU)
Onderwatergewicht van 5 050 g aardappelen (in gram)	Zetmeelgehalte van de aardappelen (in percent)	Hoeveelheid aardappelen benodigd voor de vervaardiging van 1 000 kg zetmeel (in kg)	Te ontvangen premie door de zetmeelproducent per 1 000 kg aardappelen (in ecu)
Peso debaixo de água de 5 050 g de batatas (em gramas)	Teor de fécula da batata (em percentagem)	Quantidade de batata necessária ao fabrico de 1 000 kg de fécula (em quilogramas)	Prémio a pagar ao produtor de fécula por 1 000 kg de batatas (em ecus)
1	2	3	4
352	13,0	6 533	2,86
353	13,1	6 509	2,87
354	13,1	6 486	2,88
355	13,2	6 463	2,89
356	13,2	6 439	2,90
357	13,3	6 416	2,91
358	13,3	6 393	2,93
359	13,4	6 369	2,94
360	13,4	6 346	2,95
361	13,5	6 322	2,96
362	13,5	6 299	2,97
363	13,6	6 276	2,98
364	13,6	6 252	2,99
365	13,7	6 229	3,00
366	13,7	6 206	3,01
367	13,8	6 182	3,02
368	13,8	6 159	3,04
369	13,9	6 136	3,05
370	13,9	6 112	3,06
371	14,0	6 089	3,07
372	14,0	6 065	3,08
373	14,1	6 047	3,09
374	14,1	6 028	3,10
375	14,2	6 005	3,11
376	14,2	5 981	3,13
377	14,3	5 963	3,14
378	14,3	5 944	3,15
379	14,4	5 921	3,16
380	14,4	5 897	3,17

1	2	3	4
381	14,5	5 879	3,18
382	14,5	5 860	3,19
383	14,6	5 841	3,20
384	14,6	5 822	3,21
385	14,7	5 799	3,22
386	14,7	5 776	3,24
387	14,8	5 757	3,25
388	14,8	5 738	3,26
389	14,9	5 720	3,27
390	14,9	5 701	3,28
391	15,0	5 682	3,29
392	15,0	5 664	3,30
393	15,1	5 626	3,32
394	15,2	5 607	3,34
395	15,2	5 589	3,35
396	15,3	5 570	3,36
397	15,3	5 551	3,37
398	15,4	5 542	3,37
399	15,4	5 533	3,38
400	15,4	5 523	3,39
401	15,5	5 486	3,41
402	15,6	5 467	3,42
403	15,6	5 449	3,43
404	15,7	5 430	3,44
405	15,7	5 411	3,46
406	15,8	5 393	3,47
407	15,8	5 374	3,48
408	15,9	5 364	3,49
409	15,9	5 355	3,49
410	15,9	5 346	3,50
411	16,0	5 327	3,51
412	16,0	5 308	3,52
413	16,1	5 280	3,54
414	16,2	5 266	3,55
415	16,2	5 252	3,56
416	16,3	5 234	3,57
417	16,3	5 215	3,59
418	16,4	5 206	3,59
419	16,4	5 196	3,60
420	16,4	5 187	3,61
421	16,5	5 150	3,63
422	16,6	5 136	3,64
423	16,6	5 121	3,65
424	16,7	5 107	3,66
425	16,7	5 093	3,67
426	16,8	5 075	3,68
427	16,8	5 056	3,70
428	16,9	5 042	3,71
429	16,9	5 028	3,72
430	17,0	5 000	3,74
431	17,1	4 986	3,75
432	17,1	4 972	3,76
433	17,2	4 963	3,77
434	17,2	4 953	3,78
435	17,2	4 944	3,78
436	17,3	4 930	3,79
437	17,3	4 916	3,80
438	17,4	4 902	3,81
439	17,4	4 888	3,83
440	17,5	4 874	3,84
441	17,5	4 860	3,85
442	17,6	4 846	3,86
443	17,6	4 832	3,87
444	17,7	4 818	3,88
445	17,7	4 804	3,89
446	17,8	4 790	3,90
447	17,8	4 776	3,92
448	17,9	4 762	3,93
449	17,9	4 748	3,94

1	2	3	4
450	18,0	4 720	3,96
451	18,1	4 706	3,97
452	18,1	4 692	3,99
453	18,2	4 685	3,99
454	18,2	4 679	4,00
455	18,2	4 673	4,00
456	18,3	4 645	4,03
457	18,4	4 631	4,04
458	18,4	4 617	4,05
459	18,5	4 607	4,06
460	18,5	4 598	4,07
461	18,6	4 584	4,08
462	18,6	4 570	4,09
463	18,7	4 561	4,10
464	18,7	4 551	4,11
465	18,7	4 542	4,12
466	18,8	4 523	4,13
467	18,9	4 509	4,15
468	18,9	4 495	4,16
469	19,0	4 481	4,17
470	19,0	4 467	4,19
471	19,1	4 458	4,19
472	19,1	4 449	4,20
473	19,2	4 437	4,21
474	19,2	4 425	4,23
475	19,3	4 414	4,24
476	19,3	4 402	4,25
477	19,4	4 390	4,26
478	19,4	4 379	4,27
479	19,5	4 367	4,28
480	19,5	4 355	4,29
481	19,6	4 343	4,31
481,6	19,6	4 337	4,31
482	19,7	4 335	4,31
483	19,7	4 332	4,32
483,2	19,7	4 332	4,32
484	19,8	4 325	4,32
484,8	19,8	4 318	4,33
485	19,9	4 317	4,33
486	19,9	4 311	4,34
486,4	19,9	4 309	4,34
487	20,0	4 305	4,34
488	20,0	4 299	4,35
489	20,1	4 294	4,35
490	20,1	4 290	4,36
491	20,2	4 287	4,36
492	20,2	4 285	4,36
493	20,3	4 283	4,37
494	20,3	4 280	4,37
495	20,4	4 278	4,37
496	20,4	4 276	4,37
497	20,5	4 273	4,38
498	20,5	4 271	4,38
499	20,6	4 266	4,38
500	20,6	4 262	4,39
501	20,7	4 259	4,39
502	20,7	4 257	4,39
503	20,8	4 255	4,39
504	20,8	4 252	4,40
505	20,9	4 248	4,40
506	20,9	4 243	4,41
507	21,0	4 238	4,41
508	21,0	4 234	4,42
509	21,1	4 229	4,42
510	21,1	4 224	4,43
511	21,2	4 219	4,43
511,8	21,2	4 215	4,44
512	21,3	4 214	4,44
513	21,3	4 209	4,44

1	2	3	4
513,7	21,3	4 206	4,45
514	21,4	4 204	4,45
515	21,4	4 199	4,45
515,6	21,4	4 196	4,46
516	21,5	4 194	4,46
517	21,5	4 189	4,46
517,5	21,5	4 187	4,47
518	21,6	4 184	4,47
519	21,6	4 180	4,47
519,4	21,6	4 178	4,48
520	21,7	4 175	4,48
521	21,7	4 170	4,48
521,3	21,7	4 168	4,49
522	21,8	4 165	4,49
523	21,8	4 160	4,50
523,2	21,8	4 159	4,50
524	21,9	4 155	4,50
525	21,9	4 150	4,51
526	22,0	4 145	4,51
527	22,0	4 140	4,52
528	22,1	4 135	4,52
528,8	22,1	4 131	4,53
529	22,2	4 130	4,53
530	22,2	4 125	4,53
530,6	22,2	4 122	4,54
531	22,3	4 119	4,54
532	22,3	4 114	4,55
532,4	22,3	4 112	4,55
533	22,4	4 111	4,55
534	22,4	4 108	4,55
535	22,5	4 103	4,56
536	22,5	4 098	4,56
537	22,6	4 093	4,57
537,8	22,6	4 089	4,57
538	22,7	4 088	4,57
539	22,7	4 083	4,58
539,6	22,7	4 080	4,58
540	22,8	4 078	4,59
541	22,8	4 076	4,59
541,4	22,8	4 075	4,59
542	22,9	4 072	4,59
543	22,9	4 066	4,60
544	23,0	4 061	4,60
545	23,0	4 056	4,61