This document is meant purely as documentation tool and the institutions do not assume any liability for its contents

►**B**

COMMISSION REGULATION (EC) No 785/95

of 6 April 1995

laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder

(OJ L 79, 7.4.1995, p. 5)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1362/95 of 15 June 1995	L 132	6	16.6.1995
►**M2**	Commission Regulation (EC) No 620/96 of 9 April 1996	L 89	3	10.4.1996
►**M3**	Commission Regulation (EC) No 629/97 of 10 April 1997	L 96	4	11.4.1997
►**M4**	Commission Regulation (EC) No 1794/97 of 17 September 1997	L 255	12	18.9.1997
►**M5**	Commission Regulation (EC) No 676/1999 of 26 March 1999	L 83	40	27.3.1999

▼B

COMMISSION REGULATION (EC) No 785/95

of 6 April 1995

laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 603/95 of 21 February 1995 on the common organization of the market in dried fodder [1], and in particular Article 18 thereof,

Whereas, in order to ensure efficient application of the system of aid for dried fodder, certain concepts should be defined;

Whereas, in order to avoid any risk of double payment, it is appropriate to exclude all of the products benefitting (SIC! benefiting) from the aid of arable crops listed in Annex I of Council Regulation (EEC) No 1765/92 [2], as last amended by the Act of Accession of Austria, Finland and Sweden, with the exception of sweet lupins until the flowering stage, from the scope of the aid for dried fodder;

Whereas, having regard to the criteria laid down in Article 8 of Regulation (EC) No 603/95, the minimum quality for the products in question, expressed in terms of moisture and protein content, should be laid down; whereas, taking account of commercial practices, the moisture content should be differentiated according to certain production processes;

Whereas Article 12 of Regulation (EC) No 603/95 lays down that Member States must carry out checks to verify that all undertakings and buyers of fodder for drying satisfy the conditions set out in that Regulation; whereas, in order to facilitate such checks and to ensure fulfilment of the conditions of eligibility for aid, processing undertakings and buyers of fodder for drying should be subject to an approval procedure; whereas, to the same end, the details to be included in aid applications, stock records and delivery declarations of processing undertakings should be specified; whereas the other supporting documents to be supplied should be specified;

Whereas, in order to ensure uniform application of the system of aid, the payment procedures should be defined;

Whereas, in order to facilitate the marketing of fodder for processing and to enable the competent authorities to carry out the checks necessary for verifying entitlement to aid, contracts between processing undertakings and farmers should be concluded before delivery of the raw materials and lodged with the competent authorities before a certain date to enable them to know the expected volume of production; whereas, to that end, contracts must be in writing, indicate the date of conclusion, the period of validity, the names and addresses of the contracting parties and the nature of the products to be processed and identify the agricultural parcel on which the fodder to be processed was grown;

Whereas, where there are no such contracts, delivery declarations, subject to the conditions applicable to contracts, must be drawn up by the processing undertaking;

Whereas, in order to verify that the quantities of raw materials delivered to undertakings tally with the quantities of dried fodder leaving them, the said undertakings should weigh all fodder for processing and determine its moisture content;

---

[1] OJ No L 63, 21. 3. 1995, p. 1.
[2] OJ No L 181, 1. 7. 1992, p. 12.

▼B

Whereas, in order to permit effective verification of the right to aid, in view of the different levels of aid provided for artificially dried fodder and sun-dried fodder, it is essential that processing undertakings manufacture and stock the different products in separate premises;

Whereas rigorous checks must be carried out to ensure fulfilment of the quality requirements for dried fodder based on regular sampling of finished products leaving undertakings; whereas, where those products are mixed with other materials, samples must be taken before mixing;

Whereas Regulation (EC) No 603/95 provides for a series of checks to be carried out at each stage of the production process, inter alia linked to the integrated verification and management system; whereas, therefore, checks on the identification of the agricultural parcels concerned should be coordinated with the checks carried out under that system;

Whereas, in order to ensure efficient management of the market for dried fodder, the Commission must receive certain information on a regular basis;

Whereas, in order to ensure fulfilment of the conditions laid down in the relevant rules, in particular regarding eligibility for aid, penalties should be laid down to prevent any infringements;

Whereas Commission Regulation (EEC) No 1528/78 ([1]), as last amended by Regulation (EEC) No 1069/93 ([2]), and Commission Regulation (EEC) No 2743/78 ([3]) are replaced by this Regulation; whereas they should therefore be repealed;

Whereas Regulation (EC) No 603/95 applies as from 1 April 1995, the date on which the marketing year 1995/96 begins; whereas this Regulation should therefore apply as from the same date;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed rules for the application of the common organization of the market in dried fodder set up by Regulation (EC) No 603/95.

Article 2

For the purposes of this Regulation:

1. 'dried fodder' means the products referred to in Article 1 of Regulation (EC) No 603/95, drawing a distinction between:

▼M2

(a) 'dehydrated fodder', which means the products listed in the first and third indents of Article 1 (a) of that Regulation which have undergone artificial heat-drying; the 'similar fodder products' referred to in the third indent of point (a) of that Article being understood to cover:

— herbage legumes,

— herbage grasses,

— whole plants, harvested green with unripe grain, of the cereals listed in point I of Annex I to Regulation (EEC) No 1765/92 and having been cultivated on land which was not declared in the area aid application with a view to the aid for arable crops provided for in that Regulation,

([1]) OJ No L 179, 1. 7. 1978, p. 10.
([2]) OJ No L 108, 1. 5. 1993, p. 114.
([3]) OJ No L 330, 25. 11. 1978, p. 19.

▼M2

— *Chenopodium quinoa*,

in so far as those species are covered by CN codes 1214 90 91 and 1214 90 99;

▼B

(b) 'sun-dried fodder' which means the products referred to in the second and fourth indents of Article 1 (a) of Regulation (EC) No 603/95, otherwise dried and ground;

(c) 'protein concentrates' which means the products referred to in the first indent of Article 1 (b) of Regulation (EC) No 603/95;

(d) 'dehydrated products' which means the products as referred to in the second indent of Article 1 (b) of Regulation (EC) No 603/95;

▼M2

Aid for processing into dried fodder shall not be payable on fodder plants the seeds of which have been harvested

▼B

2. 'processing undertaking' means any dried fodder processing undertaking referred to in Article 6 of Regulation (EC) No 603/95, duly approved by the Member State in which it is located, where:

(a) either fresh fodder is dehydrated 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) or sun-dried fodder is milled;

(c) or protein concentrates are manufactured;

3. 'purchaser of fodder for drying and for grinding' means a natural or legal person referred to in the third indent of Article 9 (c) of Regulation (EC) No 603/95, duly approved by the Member State where he is established, who purchases fresh fodder from producers in order to deliver it to processing undertakings;

4. 'lot' means a specific quantity of fodder of uniform quality as regards composition, moisture content and protein content, leaving a processing undertaking at the same time.

▼M2

5. 'mixture' means an animal feed product containing fodder covered by Article 1 of Regulation (EC) No 603/95, dried and/or ground by the processing undertaking, and other products, termed 'additives', of a different type, or of the same type but dried and/or ground elsewhere.

However, dried fodder containing no more than 3 % additives as a percentage of the total weight of the finished product shall not be regarded as a mixture where the total nitrogen content, relative to the dry matter of the additive, does not exceed 2,4 %.

Article 3

1. For the purposes of this Regulation, the aid provided for in Article 3 of Regulation (EC) No 603/95 shall be payable on products covered by Article 2 (1) which are of sound, genuine and merchantable quality, which meet the requirements for marketing for use as animal feed, and which:

(a) leave, either without further processing or as a mixture as defined in the first subparagraph of Article 2 (5):

— the premises of the processing undertaking,

▼M2

— where they cannot be stored on the latter, a storage location outside the same which provides adequate guarantees of proper supervision of the stored fodder and which has been approved in advance by the competent authority,

— in the case of mobile drying equipment, such equipment, and, where stored by the person carrying out dehydration, any storage location satisfying the conditions laid down in the second indent; and

(b) display the following characteristics on departure from the processing undertaking as referred to in (a):

(i) maximum moisture content:

— 12 % in the case of sun-dried fodder, ground dehydrated fodder, protein concentrates and dehydrated products,

— 14 % in the case of other dehydrated fodder;

(ii) minimum total crude protein content of the dry matter:

— 15 % in the case of dehydratred (SIC! dehydrated) fodder, sun-dried fodder and dehydrated products,

— 45 % in the case of protein concentrates.

The aid shall be payable solely on quantities of products obtained by drying fodder produced on parcels which on inspection can be shown, to the satisfaction of the competent authority, to be utilized for agriculture.

2. Before bringing onto its premises products other than fodder to be dried and/or ground for the manufacture of mixtures within the meaning of Article 2 (5), the processing undertakings shall so inform the competent authorities of the Member State concerned, specifying the type and quantities thereof.

Where the products being brought is consist of fodder dried and/or ground by another processing undertaking, such undertaking shall also inform the competent authorities of their origin and intended utilization; in such cases, they may be brought onto the said premises solely under the supervision of and on conditions laid down by such authorities.

Dried fodder leaving a processing undertaking may only re-enter it for the purpose of repackaging or reprocessing, under the supervision of and on the conditions set by the competent authority.

Products entering or re-entering the premises of processing undertakings in accordance with this paragraph may not be stored with fodder dried and/or ground by the undertaking in question; furthermore, they shall be entered in the undertaking's stock accounts as specified in Article 12 (1).

▼B

Article 4

▼M2

1. For the purposes of approval as referred to in Article 2 (2), processing undertakings must:

(a) provide the competent authority with a file comprising:

— a plan of their premises, showing in particular entry points for products to be processed, exit points for dried fodder, storage locations for products awaiting processing and finished products, and processing sites,

— a description of the technical installations for carrying out the operations specified at Article 2 (2) (a), (b) and (c), and in particular the dehydration ovens and grinding units, with details of hourly evaporation capacity and operating temperature, and weighing equipment,

— a list of the additives used before or during the dehydration process and an illustrative list of the other products used in manufacture, and the finished products,

▼M2

— model stock accounts, which must permit a daily tracking of quantities of products entering for dehydration and/or grinding, quantities produced and quantities of binding agents and any other additives used in manufacture. A specific entry shall be made in the stock accounts covering dried fodder entering or re-entering the premises of approved undertakings.

Undertakings shall notify the competent authority within days of any change or changes to the files, with a view to obtaining confirmation of the approval;

(b) comply with:

— the requirements laid down in Regulation (EC) No 603/95,

— the requirements laid down herein.

Where a processing undertaking fails to fulfil any of the requirements of point (a) or (b) above, it shall forfeit approval for a period to be determined by the competent authority in line with the gravity of the breach.

▼B

2. For the purposes of approval as referred to in Article 2 (3), a purchaser of fodder for drying and grinding must:

— lodge with the competent authority, not later than the date provided for in Article 8 (5), the contracts concluded with producers together with a list of all the agricultural parcels concerned,

— keep a register of the products in question, showing at least the daily purchases and sales of each product and, in respect of each lot, the quantity involved, a reference to the contract with the producer who delivered the product and, where applicable, the processing undertaking for which the product is intended,

— keep his financial accounts available for inspection by the competent authority,

— facilitate the verification procedures.

A purchaser of fodder for drying and grinding shall have his approval withdrawn for a period to be specified by the competent authority, commensurate with the seriousness of the infringements found, if at least one of the conditions referred to in the first subparagraph is no longer met.

▼M2

3. Approval as referred to in Article 2 (2) and (3) shall be granted before the beginning of the marketing year by the competent authority of the Member State on application by the party concerned.

Exceptions from this provision may be allowed by the Commission departments in exceptional cases for a period of up to two months following the beginning of the marketing year in question. In such cases, the undertaking shall be deemed approved on a temporary basis pending the granting of definitive approval by the competent authority.

▼B

Article 5

▼M2

1. Within 45 days of the end of the month, processing undertakings shall lodge applications for aid as referred to in Article 3 of Regulation (EC) No 603/95 covering the quantities leaving the undertaking during that month.

▼B

However, no aid applications for a marketing year may be submitted after 15 April following the end of the marketing year in question.

▼B

Except in cases of *force majeure*, late submission of an application shall result in a reduction of 1 % per working day of the amount of aid covered by the application to which the undertaking would have been entitled if it had submitted its application in time. Applications submitted more than 20 days late shall not be accepted.

▼M2

2. Aid applications shall include at least:

— the applicant's first name, surname, address and signature,

— the quantities covered by the aid application, broken down by lot,

— the date on which each quantity left the undertaking,

— confirmation that samples were taken of each lot in accordance with Article 11 (3) on departure from the undertaking or when the dried fodder was mixed in, and apply particulars required to identify the samples,

— a list by lot of all additives referred to in Article 2 (5), specifying the type, name, total nitrogenous matter content in the dry matter and rate of incorporation in the finished product,

— in the case of mixtures within the meaning of the first subparagraph of Article 2 (5), the total crude protein content in each lot of the fodder dried by the undertaking, after deduction of the total nitrogenous matter content provided by the additives.

3. The aid shall be granted to processing undertakings solely in respect of fodder dried and/or ground on its premises, less the weight of additives as defined in Article 2 (5).

▼M1

Article 6

1. The advance payment which is provided for in Article 6 (1) of Regulation (EC) No 603/95 and which is subject to one of the securities provided for in the same paragraph, may be granted to the beneficiary only where the aid application is accompanied by a certificate showing that the corresponding security has been lodged.

2. Member States shall take the necessary measures for checking entitlement to the aid within 90 days from the date the application is lodged.

3. The balance provided for in Article 6 (3) of Regulation (EC) No 603/95 shall be paid, where appropriate, within 60 days of the date on which the Commission publishes the amount of the said balance in the *Official Journal of the European Communities*.

▼M3

4. The balance referred to in paragraph 3 above shall be calculated on the basis of the notifications from the Member States, in accordance with the second indent of Article 15 (a). Where, as a result of subsequent checks, one or more Member States submits a second, duly substantiated, notification correcting the first upward, the second notification will be taken into consideration only if the balance, calculated on the basis of the first notification, is not affected. The quantities of dried fodder which cannot be taken into consideration in application of the above will, in that case, be allocated to the following marketing year.

▼B

Article 7

The operative event for the agricultural conversion rate applicable for the purposes of Regulation (EC) No 603/95 shall occur on the date on which the dried fodder leaves the processing undertaking.

▼B

Article 8

1. In addition to the information specified in Article 11 of Regulation (EC) No 603/95, each contract as provided for in Article 9 (c) of that Regulation shall include, in particular:

(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 to be processed and the foreseeable quantity involved;

(e) identification of the parcel or parcels on which the fodder to be processed was grown, in accordance with the parcel identification system provided for in the integrated management and verification system; and

(f) where a processing undertaking is executing a processing contract as provided for in Article 11 (2) of Regulation (EC) No 603/95 concluded with an independent producer or with one or more of its own members, the contract shall also indicate:

— the finished product to be delivered,

— the costs to be paid by the producer.

2. Where an undertaking processes its own production or, in the case of a group, that of its members, a delivery declaration shall be drawn up giving at least the following information:

— the date of delivery or, where appropriate, an indicative date if delivery is to take place after the date on which the declaration is submitted to the competent authority,

— the quantity of fodder received or to be received,

— the type or types of crop to be processed,

— where applicable, the name and address of the member of the group making the delivery, and

— identification of the parcel or parcels on which the fodder to be processed was grown, in accordance with the parcel identification system provided for in the integrated management and verification system.

3. Where an undertaking obtains supplies from an approval purchaser, a delivery declaration shall be drawn up giving at least the following information:

— the identity of the approved purchaser,

— the date of delivery or, where appropriate, an indicative date if delivery is to take place after the date on which the declaration is submitted to the competent authority,

— the quantity of fodder received or to be received, broken down according to the producers with whom contracts were concluded by the approved purchaser, specifying the reference of the contracts,

— the type or types of crop to be processed,

— identification of the parcel or parcels on which the fodder to be processed was grown, in accordance with the parcel identification system provided for in the integrated management and verification system.

▼M1

4. The contracts and delivery declarations referred to in paragraphs 1, 2 and 3 shall be prepared, in writing, at least two working days before the date of delivery and not later than 14 September following the beginning of the marketing year in question.

▼B

5. Not later than ►M1 15 September ◄ following the beginning of the marketing year in question, processing undertakings shall submit to the competent authority a copy of the contracts referred to in paragraph 1 and a copy of the delivery declarations referred to in paragraphs 2 and 3, with a list of the parcels concerned. ►M3 The documents in question may, where necessary, be submitted in electronic form if the parties in question mutually agree to accept that form of communication. In that case, the processing undertaking shall keep the documents in traditional form and make them available for any checks requested by the competent authority. ◄

▼M4

6. Without prejudice to paragraphs 4 and 5, the contracts and delivery declarations may be drawn up until 28 November and be submitted to the competent authority until 30 November following the beginning of the marketing year in question. The competent authority can in no case accept the said documents after that date.

In that case their execution for the purposes of the processing of the raw materials concerned may not take place until the competent authority, after having verified that the parcel or parcels indicated in the aforementioned contracts and/or delivery declarations are not included in the aid accounting under other Community aid schemes, and after having consulted the database provided for in Article 2 of Regulation (EEC) No 3508/92 ([1]), as last amended by Regulation (EC) No 820/97 ([2]), shall confirm in writing to the processing undertaking its formal agreement to execution of the contracts or delivery declarations.

▼M2

Article 9

1. The processing undertakings shall systematically weigh fodder to be dehydrated and, where applicable, sun-dried fodder delivered to them for processing, in order to determine the exact quantities thereof.

2. The obligation to weigh such fodder systematically shall not apply where:

(a) the fodder is to be dehydrated in a mobile dehydration unit; in such cases, the quantities delivered may be estimated on the basis of the areas sown;

(b) the production of the undertaking concerned does not exceed 1 000 tonnes per marketing year and the undertaking proves to the satisfaction of the competent authority of the Member State that it cannot make use of public weighing facilities located within a radius of five kilometres; in such cases, the quantities delivered may be determined by any other method approved in advance by the competent authority of that Member State.

3. The processing undertakings shall determine the average moisture content of fodder to be dehydrated on the basis of a comparison of the quantities used and the quantities of dried fodder obtained.

4. In the first ten working days of each quarter, the processing undertakings shall notify the competent authority of the average moisture content, as referred to in paragraph 3, recorded during the previous quarter in respect of the fodder they have dehydrated.

([1]) OJ L 355, 5. 12. 1992, p. 1.
([2]) OJ L 117, 7. 5. 1997, p. 1.

▼B

Article 10

Where a processing undertaking carries out the manufacture, on the one hand, of dehydrated fodder and/or protein concentrates and, on the other hand, of sun-dried fodder:

— the dehydrated fodder must be manufactured in premises or places separate from those where sun-dried fodder is manufactured,

— products obtained from the two manufacturing operations must be stored in different places,

— it shall be prohibited to mix within the undertaking a product belonging to one of the groups with a product belonging to the other group.

Article 11

(SIC! 1.) The sampling and determination of the weight of dried fodder referred to in Article 12 (2) of Regulation (EC) No 603/95 shall be carried out by the processing undertaking when the dried fodder leaves the undertaking.

▼M2

However, where dried fodder is mixed within the meaning of Article 2 (5) in processing undertakings, sampling and weight determination shall be carried out before mixing.

Where mixing is carried out before or during drying, a sample shall be taken after drying; it shall be accompanied by a statement to the effect that it relates to a mixture and specifying the type and name of the additive, its total nitrogenous content in the dry matter and the rate of incorporation in the finished product.

▼B

2. The competent authority may require each processing undertaking to notify it at least two working days in advance each time dried fodder leaves the undertaking or is mixed, specifying the dates and quantities, to enable the latter to carry out the necessary checks.

▼M2

The competent authorities shall regularly take samples covering, and shall carry out weight determination in respect of, at least 5 % by weight of dried fodder leaving the undertaking and at least 5 % by weight of dried fodder mixed within the meaning of Article 2 (5) each marketing year.

▼B

3. The determination of moisture and crude protein content provided for in Article 3 shall be carried out by taking a sample for every ►M2 110 tonnes ◄(maximum) of each lot of dried fodder leaving the processing undertaking or ►M2 mixed on its premises within the meaning of Article 2 (5) ◄ in accordance with the method laid down in the Community provisions establishing Community methods of analysis for the official control of feedingstuffs [1].

Where several lots of the same quality with regard to composition, moisture content and protein content, together weighing ►M2 110 tonnes ◄ or less, leave the undertaking or are mixed on its premises, a sample shall be taken from each lot. However, the analysis shall be carried out on a representative mixture of these samples.

---

[1] (a) Sampling: First Commission Directive (76/371/EEC) (OJ No L 102, 15. 4. 1976, p. 1);
(b) measurement of moisture: Second Commission Directive (71/393/EEC) (OJ No L 279, 20. 12. 1971, p.7);
(c) measurement of crude protein: Third Commission Directive (72/199/EEC) (OJ No L 123, 29. 5. 1972, p. 6).

▼B

Article 12

1. In addition to the details referred to in Article 9 (a) of Regulation (EC) No 603/95, the stock accounts of processing undertakings shall include at least details of:

— the species referred to in Article 1 of Regulation (EC) No 603/95 of fodder to be dehydrated and, where applicable, sun-dried fodder entering the undertaking,

— the moisture content of fodder to be dehydrated,

— the references of the contract and/or delivery declaration provided for in Article 8,

— the dates on which the dried fodder left the undertaking, specifying the quantities which left on each date,

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

▼M2

— the products mixed with or added to fodder dried and/or ground by the undertaking, specifying the type and name of the products, their total nitrogenous matter content in the dry matter and their rate of incorporation in the finished product.

▼B

2. Processing undertakings shall keep separate stock accounts for dehydrated fodder, sun-dried fodder, protein concentrates and dehydrated products.

3. Where a processing undertaking also dries or processes products other than fodder referred to in Article 2 (1), it shall keep separate accounts in respect of such other drying or processing activities.

Article 13

The documentary evidence to be made available by processing undertakings to the competent authority at the latter's request shall include:

(a) in the case of all processing undertakings:

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

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

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

— details of the number of hours the driers and, in the case of sun-dried fodder, the crushers were in operation;

(b) in the case of processing undertakings which sell their own output, the invoices in respect of their sales of dried fodder, with details in particular of:

— the quantity and composition of the fodder sold,

— the name and address of the purchaser;

(c) in the case of undertakings processing fodder produced by their members and delivering them dried fodder, the delivery orders or any other accounting document acceptable to the competent authority, with details in particular of:

— the quantity and composition of the processed fodder delivered,

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

(d) in the case of undertakings processing for farmers fodder supplied by and delivered back to those farmers, invoices in respect of their processing charges, with details in particular of:

— the quantity and composition of dried fodder produced,

— the names of the farmers concerned.

▼B

Article 14

1. The competent authorities shall carry out cross-checks of the agricultural parcels referred to in the contracts and/or declarations and those declared by the producers in their area aid applications in order to prevent any aid being granted without justification.

2. The competent authorities shall inspect the stock records of all approved undertakings. They shall also carry out random checks on the financial supporting documents relating to the transactions carried out by these undertakings. Each undertaking must be inspected for this purpose at least once every marketing year.

However, in the case of newly-approved undertakings, the inspection shall cover all applications submitted during the first year of operation.

3. The competent authorities shall:

— regularly check in particular the accounts of approved undertakings,

— undertake regular additional checks on suppliers of raw materials and on operators to whom dried fodder has been supplied.

The competent authorities may also make unannounced checks of the same type as those referred to above.

4. Applications subjected to on-the-spot checking shall be selected by the competent authority on the basis of a risk analysis and an element of representativeness of the aid applications submitted.

The risk analysis shall take account, in particular, of:

— the amount of aid involved,

— changes from the previous year,

— the findings of checks made in past years,

— other factors to be defined by the Member State.

Article 15

Member States shall inform the Commission:

(a) — at the beginning of each quarter, of the quantities of dried fodder in respect of which applications for the aid referred to in Article 3 of Regulation (EC) No 603/95 were lodged during the previous quarter, such particulars to be broken down by the months in which the quantities concerned left the undertaking,

— not later than 31 May each year, of the quantities of dried fodder in respect of which entitlement to the aid was recognized during the previous marketing year.

The particulars provided shall distinguish between the products referred to respectively in Article 2 (1) (a), (b), (c) and (d) and will be used by the Commission to determine whether the maximum guaranteed quantity has been complied with;

▼M5

▼B

(c) not later than 30 April of each year, of the estimated quantities of stocks of dried fodder held in the processing undertakings at 31 March of that year;

(d) not later than 1 May 1995, of the measures adopted to implement Regulation (EC) No 603/95 and this Regulation;

▼M2

(e) during the month following the end of each six-month period, of the average moisture contents recorded during the previous six months in fodder to be dehydrated and notified by processing undertakings in accordance with Article 9 (4).

▼B

Article 16

Where inspections reveal that the quantity of dried fodder indicated in one or more aid applications is greater than that which actually left the processing undertaking, the amount of aid to be granted shall be calculated on the basis of the quantity which actually left the undertaking, reduced by twice the difference found.

If the difference found exceeds 20 % of the quantity which actually left the undertaking, no aid shall be granted.

However, in the case of a false indication of quantities in one or more applications made intentionally or as a result of serious recklessness:

— the processing undertaking in question shall be excluded from the aid scheme concerned as regards the application or applications in question, and

— in the case of a false indication of quantities in one or more applications intentionally made, the said undertaking shall be excluded from the aid scheme for the following marketing year, in respect of a quantity equal to that for which the aid application(s) in question was or were rejected.

Article 17

Regulation (EEC) No 1528/78 and (EEC) No 2743/78 are hereby repealed. However, those provisions concerning the management of the aid scheme in force during the 1994/95 marketing year shall continue to apply until the accounts for that marketing year have been finally cleared.

▼M1

Article 17a

1. Notwithstanding point 1 of Article 2, and for the 1995/1996 marketing year alone, processing undertakings may apply for the aid provided for in Article 3 of Regulation (EC) No 603/95 for green cereals delivered by producers who:

— have cultivated these cereals on land which was not declared in the area aid application with a view to the aid for arable crops provided for in Regulation (EEC) No 1765/92 and,

— before the entry into force of Regulation (EC) No 785/95, have carried out sowing or have concluded contracts with the processing undertakings concerned for delivery of the said cereals with a view to their being processed into dried fodder.

2. The competent authorities in the Member States shall adopt all the necessary inspection measures to ensure compliance with paragraph 1.

▼B

Article 18

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

It shall apply from 1 April 1995. However, the following provisions shall apply from 1 April 1996:

(a) Article 4 (1) providing for the approval of processing undertakings;

(b) the first sentence of Article 9 providing for the determination by systematic weighing, in the case of undertakings which have no weighing apparatus;

(c) Article 14 (1) providing for cross-checks. However, in so far as one or more elements of the integrated system are in operation before 1 January 1996, Member States shall use that or those elements in their management and verification activities and, in particular, to the extent possible, to carry out the cross-checks.

▼B

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