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COMMISSION REGULATION (EC) No 97/95 of 17 January 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the minimum price and compensatory payment to be paid to potato producers and of Council Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch

(OJ No L 16, 24. 1. 1995, p. 3)

Amended by:

	Official Journal		
	No	page	date
Commission Regulation (EC) No 1949/95 of 7 August 1995	L 187	6	8. 8. 1995
Commission Regulation (EC) No 206/96 of 2 February 1996	L 27	7	3. 2. 1996
Commission Regulation (EC) No 1125/96 of 24 June 1996	L 150	1	25. 6. 1996

COMMISSION REGULATION (EC) No 97/95
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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ([1]), as last amended by Regulation (EC) No 1866/94 ([2]), and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1543/93 of 14 June 1993 fixing the amount of the premium paid to producers of potato starch during the 1993/94, 1994/95 and 1995/96 marketing years ([3]), and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 1868/94 of 27 July 1994 establishing a quota system in relation to the production of potato starch ([4]), and in particular Article 8 thereof,

Whereas Regulation (EC) No 1868/94 lays down a system of quotas for the production of potato starch which may benefit from Community aid; whereas Member States are to allocate such quotas on the basis of production in a reference period and of investments made by undertakings producing potato starch before 31 January 1994 which did not give rise to production in the reference period; whereas both criteria are of equal importance; whereas it is necessary to make provision for a proportionate adjustment to allocations in order to ensure that such producers do not exceed a Member State's quota;

Whereas conditions should be set in order to ensure that only genuine investments which have given rise to more than a minimal increase in production before 31 January 1994 should be taken into account by Member States in the allocation of sub-quotas;

Whereas conditions should be included to ensure that the reserve of 110 000 tonnes, created to cover production in Germany in the marketing year 1996/97, is used only for cases where the production results from investments irreversibly undertaken before 31 January 1994 and only after exhaustion of any quota made available as a result of the cessation of trading of undertakings producing potato starch;

([1]) OJ No L 181, 1. 7. 1992, p. 21.
([2]) OJ No L 197, 30. 7. 1994, p. 1.
([3]) OJ No L 154, 25. 6. 1993, p. 4.
([4]) OJ No L 197, 30. 7. 1994, p. 4.

Whereas it is necessary to specify what matters should be covered by a cultivation contract between an undertaking producing potato starch and a producer so as to prevent the conclusion of contracts in excess of the undertaking's sub-quota; whereas such undertakings should be prohibited from accepting delivery of potatoes not covered by a cultivation contract, as this would put at risk the effectiveness of the quota system and the requirement that the minimum price under Article 8 (1) of Regulation (EEC) No 1766/92 be paid for all potatoes intended for starch production; whereas, nevertheless, it should be possible, where climatic reasons lead to production in the areas covered by the cultivation contract of a larger quantity of potatoes or of potatoes with a higher starch content than was originally foreseen, for an undertaking producing potato starch to accept such potatoes provided that it pays the minimum price, referred to above;

Whereas potatoes having a starch content of less than 13 % cannot be considered potatoes intended for the manufacture of potato starch within the meaning of Article 8 of Regulation (EEC) No 1766/92; whereas potatoes with a starch content of less than 13 % should not be accepted by starch producing undertakings; whereas the Commission should, where climatic reasons lead to a lower starch content, and at the request of a Member State, be able to authorize the acceptance of potatoes having a starch content of not less than 12,8 %;

Whereas, for the sake of clarity, some of the provisions of Regulation (EEC) No 1543/93 which are compatible with, and necessary for, the application of the quota system should be incorporated in this Regulation;

Whereas it is necessary to define acceptable methods for determining the underwater weight of potatoes and to provide a table showing the corresponding starch content and aid payable;

Whereas inspection measures should be introduced to ensure that only starch produced in accordance with the provisions of this Regulation gives rise to compensatory payments or to payment of the premium;

Whereas, in order to protect producers of potatoes intended for the production of starch, it is essential for the minimum price set out in Article 8 (1) of Regulation (EEC) No 1766/92 to be paid for all potatoes; whereas it is therefore necessary to provide for sanctions where the minimum price has not been paid, or where undertakings have accepted potatoes not covered by a cultivation contract;

Whereas rules are necessary to ensure that potato starch produced in excess of an undertaking's sub-quota is exported without export refund, as is required by Article 6 (1) of Regulation (EC) No 1868/94; whereas sanctions should be applied in the event of any breach;

Whereas it is necessary to specify what will happen to the sub-quota of undertakings which merge, change ownership or cease trading;

Whereas, in order to enable the Member States and the Commission to control the operation of the quota system, the information to be communicated by undertakings producing potato starch to the Member State, and by the Member State to the Commission, should be specified;

Whereas, since Regulation (EEC) No 1543/93 is to be repealed with effect from 1 July 1995, on which date the quota system comes into operation, Commission Regulation (EEC) No 1711/93 ([1]), as amended by Regulation (EC) No 1993/94 ([2]), 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:

([1]) OJ No L 159, 1. 7. 1993, p. 84.
([2]) OJ No L 200, 3. 8. 1994, p. 13.

Title I

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DEFINITIONS — QUOTA SYSTEM

Article 1

For the purposes of this Regulation, the following definitions shall apply:

(a) quota: the quota laid down for each Member State by Article 2 (1) of Regulation (EC) No 1868/94;

(b) sub-quota: that part of the quota allocated by the Member State to a starch-producing undertaking;

(c) starch-producing undertaking:

— any natural or legal person established on the territory of the Member State concerned which has received the premium referred to in Article 1 of Regulation (EEC) No 1543/93 during the marketing years 1990/91, 1991/92 and 1992/93 or during the marketing year 1992/93,

— by way of derogation from the first indent, in the case of the investments referred to in the second subparagraph of Article 2 (1) of Regulation (EC) No 1868/94 in Germany, any natural or legal person which begins production during the 1996/97 marketing year in accordance with Article 3 (2) of this Regulation;

(d) producer: any natural or legal person or group of such persons, which delivers to a starch-producing undertaking potatoes produced by itself or its members, in its own name and on its own behalf under a cultivation contract concluded by itself or in its own name ;

(e) cultivation contract: any contract concluded between a producer or group of producers and the starch-producing undertaking;

(f) potatoes: potatoes intended for the manufacture of potato starch as referred to in Article 8 of Regulation (EEC) No 1766/92 and having a starch content of at least 13 %, except where the second subparagraph of Article 6 (2) applies.

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(g) unprocessed starch: starch produced under CN code 1108 13 00 which has not undergone any processing;

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(h) merger of starch-producing undertakings: the consolidation into a single undertaking of two or more starch-producing undertakings;

(i) transfer of ownership of a starch-producing undertaking: the assignment or absorption of the assets of an undertaking holding a sub-quota, to one or more starch-producing undertakings;

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(j) transfer of ownership of a starch factory: the assignment of ownership of a technical unit, including all the plant required to manufacture starch, to one or more undertakings, resulting in the partial or total absorption of the outpost of the undertaking making the assignment;

(k) lease of a factory: the leasehold contract of a technical unit including all the plant required for the manufacture of starch, with a view to its operation, concluded for a period of at least three consecutive marketing years with an undertaking which is established within the same Member State as the factory in question, if, after the lease takes effect, the undertaking which rents the factory can be considered a single starch-producing undertaking for its entire production.

Article 2

1. For the marketing years 1995/96, 1996/97 and 1997/98, the quota referred to in Article 2 (2) of Regulation (EC) No 1868/94 shall be allocated before 8 March 1995 to undertakings producing potato starch in the Member State of production. The allocation shall take account of:

— either the average amount of potato starch produced by each undertaking in the marketing years 1990/91, 1991/92 and 1992/93 and for which the premium referred to in Article 1 of Regulation (EEC) No 1543/93 was paid,

— or the amount of starch produced by each undertaking during the marketing year 1992/93 for which the premium was paid;

and, where appropriate, the new capacity created by investments taken into account in accordance with Article 3.

2. The total quantities established in accordance with paragraph 1 shall, where necessary, be adjusted proportionately as required by the quota.

3. Where Article 6 (2) of Regulation (EC) No 1868/94 applies, the sub-quotas allocated shall be adjusted appropriately at the beginning of the marketing year following that in which the quota was exceeded.

Article 3

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1. Subject to the conditions set out below, the Member State shall take into account the investments actually made before 31 January 1994 which did not give rise to starch production in the reference period chosen by that Member State:

(a) the investment plan on which the new production capacity to be developed is based shall be submitted to the competent authority;

(b) the plan shall estimate the new production capacity likely to be created by the planned investments;

(c) only plans which are intended to increase initial production capacity by at least 5 % in terms of either daily capacity or of extra working days over and above the usual period of manufacture in the undertaking shall be taken into consideration;

(d) only investment actually undertaken before 31 January 1994 under the plan submitted and amounting to at least 10 % of the total cost estimated in the plan shall be taken into consideration and then only at the level actually achieved;

(e) every undertaking affected by this paragraph shall submit a reasoned application, accompanied by all available supporting documents, to the competent authority of the Member State by 8 February 1995.

2. For the 1996/97 marketing year, Germany is authorized to make use of the reserve of up to 110 000 tonnes, provided that:

(a) its initial quota is fully allocated in accordance with Article 2 no later than 8 March 1995;

(b) the sub-quotas which become available after 8 March 1995 as a result of cessation of trading are fully utilized before 31 March 1996 in accordance with Article 17 (3);

(c) the reserve is utilized only in respect of irreversible investments made before 31 January 1994 in conformity with the conditions laid down in paragraph 1, with the exception of subparagraph (d);

(d) Germany lays down the conditions referred to above and sends them immediately to the Commission before allocating the reserve.

For the 1997/98 marketing year, only actual production in 1996/97, subject to a maximum limit of 110 000 tonnes, shall create a right to a supplementary sub-quota.

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Title II

PRICE AND PREMIUM SYSTEM

Article 4

1. A cultivation contract shall be concluded for each marketing year. Each contract shall have an identification number and include at least the following information:

— the name and address of the producer or group of producers,

— the name and address of the starch-producing undertaking,

— the areas cultivated, in hectares and ares,

— the quantity of potatoes in tonnes to be harvested there and delivered to the undertaking,

— the average starch content of the potatoes, based on the average starch content of the potatoes delivered by the producer to the undertaking over the last three marketing years or, if such information is not available, on the average content for the area of supply,

— a commitment by the undertaking to pay the producer the minimum price referred to in Article 8 (1) of Regulation (EEC) No 1766/92.

2. Each starch-producing undertaking shall forward to the competent authority by 31 May preceding the marketing year in question a summary of the contracts, including for each contract, the identification number, the name of the producer and the tonnage contracted, expressed in terms of starch equivalent.

3. The total in starch equivalent of the quantities listed in the cultivation contracts shall not exceed the sub-quota established for that undertaking.

4. Where the quantity actually produced under the cultivation contract in starch equivalent exceeds the quantity stated in the contract, that quantity may be delivered, if the undertaking so chooses, provided the minimum price referred to in Article 8 (1) of Regulation (EEC) No 1766/92 is paid for it.

5. An undertaking may not take delivery of potatoes not covered by a cultivation contract.

Article 5

Starch manufacturers shall take delivery of potatoes either at the starch-producing undertakings themselves or at their delivery points. The operations described in Articles 6 and 8 shall be carried out at the time of delivery and under the authority of an inspector approved by the Member State.

Article 6

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1. Where so required for the purposes of one of the methods referred to in Annex I, the gross weight of the potatoes shall be determined for each load at the time of delivery by comparative weighings of the means of transport used, loaded and empty.

2. Accepted consignments must have a starch content of not less than 13 %.

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However, processing starch undertakings may accept consignments of potatoes with a starch content below 13 % provided that the quantity of starch that can be manufactured from these potatoes does not exceed 1 % of the subquota. The minimum price to be paid in this case shall be that valid for a starch content of 13 %.

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

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Article 7

1. The premium shall be granted to starch-producing undertakings in respect of starch produced from 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 up to the quantity of starch for which they hold a sub-quota. No premium shall be granted for starch produced from potatoes that are not of sound and fair marketable quality nor for starch produced from potatoes whose starch content is below 13 %, except where the second subparagraph of Article 6 (2) applies.

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

2. Where the batches delivered contain 25 % or more of potatoes which can pass through a screen with a square mesh of 28 mm (hereinafter described 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*
25 to 30 %	10 %
31 to 40 %	15 %
41 to 50 %	20 %

If the batches contain more than 50 % of tailings, they shall be dealt with by mutual agreement and no premium shall be paid thereon. 97/95

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

3. Observance of the limits of the sub-quota by the undertakings shall be determined on the basis of the quantity and starch content of the potatoes used, in accordance with the rates laid down in Annex II.

Article 7(a) (SIC! 7a) 1125/96

The compensatory payment shall be granted to producers for potatoes which are of sound and fair marketable quality, on the basis of the starch content of the potatoes delivered, in accordance with the rates fixed in Annex II. No compensatory payment shall be granted for potatoes which are not of sound and fair marketable quality nor for potatoes whose starch content is below 13 %, except where the second subparagraph of Article 6 (2) applies.

Article 8 97/95

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

The water used shall be clean and without additives and its temperature shall be less than 18 °C.

Article 9

1. A receipt form shall be drawn up under the joint responsibility of the starch-producing undertaking, the approved inspector and the supplier. The undertaking shall deliver a copy to the producer and retain the original so that it may, if necessary, be submitted to the agency responsible for the monitoring of premiums.

2. The receipt form shall contain at least the following information where this appears from operations carried out pursuant to Articles 5 to 8:

— date of delivery,

— delivery number,

— number of the cultivation contract,

— name and address of the potato producer,

— weight of the means of transport on arrival at the starch factory or delivery point,

— weight of the means of transport after unloading and removal of residual earth,

— gross weight of the delivery,

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— 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, expressed in weight, applied to the gross weight of the delivery as a result of extraneous matter,

— 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.

Article 10

For each producer, the starch-producing undertaking shall draw up a summary payment slip containing the following particulars:

— business name of the starch-producing undertaking,

— name and address of the potato producer,

— cultivation contract number,

— date and number of the receipt forms,

— net weight of each delivery after any reductions as provided for in Article 9 (2),

— unit price per delivery,

— total amount due to the grower,

— sums paid to the potato producer and date of payments,

— signature and stamp of the starch manufacturer.

Title III

PAYMENTS — PENALTIES

Article 11

1. The following payments shall be subject to the requirements set out below:

(a) in the case of the compensatory payment provided for in Article 8 (2) of Regulation (EEC) No 1766/92, to the requirement that proof is provided that a price not less than that referred to in Article 8 (1) of that Regulation has been paid at the delivered-to-factory stage in accordance with the rates set out in Annex II;

(b) In the case of the premium referred to in Article 5 of Regulation (EC) No 1868/94, to the conditions that: 1125/96

— the processing undertaking provides proof that it produced the starch in question during the marketing year concerned,

— the undertaking proves that it paid a price not less than that referred to in Article 8 (1) of Regulation (EEC) No 1766/92 at the delivered-to-factory stage for the whole quantity of potatoes produced in the Community and used for the production of starch,

— that the undertaking provides proof that the starch in question was produced using potatoes covered by the cultivation contracts referred to in Article 4.

2. The proof referred to in paragraph 1 shall be furnished by submission of the summary payment slip provided for in Article 10, accompanied either by certification of payment by the producer or by a voucher issued by the financial undertaking that made the payment on the order of the starch manufacturer, certifying that such payment has been made. 97/95

Article 12

The premium and the compensatory payment 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 11 was furnished.

The Member State concerned shall inform the Commission, not later than one month after making those payments, of the quantities of potatoes for which the premium and compensatory payments were paid.

Article 13

1. The Member States shall introduce inspection arrangements for on-the-spot verification of the operations conferring entitlement to the premium and compensatory payment and compliance with the sub-quota laid down for each starch-producing undertaking. In order to carry out such checks, inspectors shall have access to the stock records and accounts of undertakings 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 undertaking.

2. Member States shall inform each starch-producing undertaking, as appropriate, of the amounts of starch by which it has exceeded its sub-quota. 97/95

3. Should the competent body establish that the obligations specified in the second indent of Article 11 (1) (b) have not been respected by the undertaking, that undertaking shall, in the absence of force majeure, lose entitlement to premiums, in whole or in part, as follows:

— if the obligations have not been observed in respect of a quantity of starch less than 20 % of the total quantity of starch produced by the undertaking, the premium granted shall be reduced by five times the percentage in question,

— if the percentage in question is 20 or more, no premium shall be granted.

4. If contravention of the prohibition contained in Article 4 (5) is established, the premium paid for the subquota shall be reduced as follows:

— if the check shows a quantity of starch equivalent accepted by the undertaking of less than 10 % of its subquota, the total premiums to be paid to the undertaking for the marketing year in question shall be reduced by 10 times the <u>percentage recorded</u>, 1125/96

— if the quantity not covered by production contracts is greater than the amount specified in the first indent, no premium shall be granted for the marketing year in question. Furthermore, no premium shall be paid to the undertaking for the following marketing year.

4 (a) (SIC! 4a.) If, contrary to Article 6 (2), the starch that can be manufactured from consignments accepted with a starch content below 13 %: 1125/96

— exceeds 1 % of the processing undertaking's sub-quota, no premium shall be granted for the excess quantity. Furthermore, the premium granted for the sub-quota shall be reduced by ten times the excess percentage recorded;

— exceeds 11 % of the processing undertaking's subquota, no premium shall be granted for the marketing year in question. Furthermore, the processing undertaking shall be ineligible for the premium for the following marketing year.

5. Inspections undertaken pursuant to this Article shall be without prejudice to any further verification by the competent authorities. 97/95

Article 14

1. The export operation referred to in Article 6 of Regulation (EC) No 1868/94 shall be regarded as having taken place when:

(a) the competent body of the Member State of production, irrespective of the Member State from which the starch was exported, has received the proof referred to in Article 15 (2);

(b) the Member State of exportation has accepted the relevant export declaration before 1 January following the end of the marketing year during which the starch was produced;

(c) the starch in question has left the customs territory of the Community no later than 60 days after 1 January as specified in (b);

(d) the product has been exported without refund.

Except in cases of force majeure, if all the conditions set out in the first subparagraph are not complied with, any quantity of starch which exceeds the sub-quota shall be regarded as having been disposed of on the internal market.

2. In cases of force majeure, the competent body of the Member State on whose territory the starch was produced shall adopt measures appropriate to the circumstances cited by the party concerned.

Where the starch is exported from the territory of a Member State other than the one where it was produced, these measures shall be taken after receiving the views of the competent authorities of that Member State.

3. For the purposes of this Regulation, Article 34 of Regulation (EEC) No 3665/87 ([3]) may be not invoked.

Article 15

1. By way of derogation from Article 12 of Commission Regulation (EEC) No 891/89 ([4]), the security for licences shall be ECU 23 per tonne.

2. Proof that the starch-producing undertaking in question has complied with the conditions laid down in the first subparagraph of Article 14 (1) shall be furnished to the competent body of the Member State on whose territory the starch was produced, before 1 April of the calendar year following the end of the marketing year during which it was produced.

([3]) OJ No L 351, 14. 12. 1987, p. 1.
([4]) OJ No L 94, 7. 4. 1989, p. 13.

3. Such proof shall be furnished by the production of: 97/95

(a) an export licence issued to the undertaking in question by the competent authority of the Member State referred to in paragraph 1 bearing one of the following statements, by way of derogation from Article 5 of Regulation (EEC) No 1620/93 ([1]):

— Para exportación sin restitución, de conformidad con el artículo 6 del Reglamento (CE) n° 1868/94,

— Skal eksporteres uden restitution, jf. artikel 6 i forordning (EF) nr. 1868/94,

— Ausfuhr ohne Erstattung gemäß Artikel 6 der Verordnung (EG) Nr. 1868/94,

— Προς εξαγωγή χωρίς επιστροφή σύμφωνα με το άρθρο 6 του κανονισμού (ΕΚ) αριθ. 1868/94,

— For export without refund under Article 6 of Regulation No (EC) (SIC! (EC) No) 1868/94,

— À exporter sans restitution conformément à l'article 6 du règlement (CE) n° 1868/94,

— Da esportare senza restituzione a norma dell'articolo 6 del regolamento (CE) n. 1868/94,

— Overeenkomstig artikel 6 van Verordening (EG) nr. 1868/94 zonder restitutie uit te voeren,

— A exportar sem restituição em conformidade com o artigo 6° do Regulamento (CE) n° 1868/94,

— Viedään tuetta asetuksen (EY) N:o 1868/94 6 artiklan mukaisesti,

— För export utan exportbidrag enligt artikel 6 i förordning (EG) nr 1868/94;

(b) the documents referred to in Articles 30 and 31 of Commission Regulation (EEC) No 3719/88 ([2]) required for the release of the security;

(c) a statement by the undertaking certifying that it produced the starch; and

(d) in the circumstances referred to in paragraph 4, when withdrawal from stock occurs:

— before acceptance of the export declaration referred to in Article 14 (1) (b), further proof provided by the competent authorities of the Member State where storage took place, or

— after acceptance of the export declaration referred to in Article 14 (1) (b), further proof within the meaning of Article 31 (2) (a) of Regulation (EEC) No 3719/88, provided by the customs authorities of the Member State where storage took place.

([1]) OJ No L 155, 26. 6. 1993, p. 29.
([2]) OJ No L 331, 2. 12. 1988, p. 1.

In both cases, the further proof shall testify to the withdrawal from stock of the product in question or the corresponding substitute quantity within the meaning of paragraph 4. 97/95

4. When the unprocessed starch produced by a starch-producing undertaking is stored for export in a silo, warehouse or bin outside the factory of the manufacturer in the Member State of production, or in any other Member State, where other unprocessed starch produced by other undertakings or by the same one is also stored so that the products so stored cannot be physically distinguished, all such products shall be placed under administrative supervision offering guarantees equivalent to those of the customs services until the export declaration referred to in Article 14 (1) (b) has been accepted, and shall be placed under customs supervision as soon as the declaration is accepted.

Article 15a 206/96

Where unprocessed starch produced by a starch-producing undertaking is stored loose under the customs warehousing or free zone procedure for the advance refund as defined in Council Regulation (EEC) No 565/80 ([1]), that starch may, in addition to the operations referred to in Article 28 (4) of Regulation (EEC) No 3665/87, also be mixed in the same storage place with other starches falling within the same subheading of the nomenclature used for the refunds, which have the same technical characteristics and fulfil the conditions required for the granting of export refunds and are also placed under the arrangements provided for by Regulation (EEC) No 3665/87 or Regulation (EEC) No 565/80.

Article 16 97/95

1. The Member State concerned shall impose on the quantities which are considered to have been disposed of on the internal market, within the meaning of the second subparagraph of Article 14 (1), in the case of unprocessed starch or any derived product listed in the Annex to Commission Regulation (EC) No 1518/95 ([2]) or falling within the scope of Commission Regulation (EC) No 1222/94 ([3]), a flat rate amount calculated by tonne of unprocessed starch and equal to the common customs tariff applicable by tonne of starch under CN code 1108 13 00 during the marketing year during which the starch or derived products were produced, plus 10 %. 206/96

([1]) OJ No L 62, 7. 3. 1980, p. 5.
([2]) OJ No L 147, 30. 6. 1995, p. 55.
([3]) OJ No L 136, 31. 5. 1994, p. 8.

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2. The Member State concerned shall, before 1 May following 1 January as specified in Article 14 (1) (b), notify the starch-producing undertakings of the total amount to be paid.

That total amount shall be paid by the undertakings in question no later than 20 May of that year.

Article 17

1. In the event of the merger or transfer of starch-producing undertakings and in the event of the transfer of starch factories, the quotas referred to in Article 2 (2) of Regulation (EC) No 1868/94 shall be adjusted as follows:

(a) in the event of the merger of starch-producing undertakings, the Member State shall allocate to the undertaking resulting from the merger a sub-quota equal to the sum of the sub-quotas allocated prior to the merger to the starch-producing undertakings concerned;

(b) in the event of the transfer of a starch-producing undertaking, the Member State shall allocate to the transferee undertaking the sub-quota of the undertaking transferred. Where there is more than one transferee undertaking, the sub-quota shall be allocated in proportion to the production of starch which each has absorbed;

(c) in the event of the transfer of a starch factory, the Member State shall reduce the sub-quota of the undertaking transferring ownership of the factory and increase the sub-quota of the starch-producing undertaking or undertakings purchasing the factory in question by the quantity deducted, in proportion to the production absorbed.

2. In the event of the closure, in circumstances other than those referred to in paragraph 1, of:

(a) a starch-producing undertaking;

(b) one or more factories of a starch-producing undertaking,

the Member State may allocate the sub-quotas involved by such closure to one or more starch-producing undertakings.

3. In the event of the lease of a factory belonging to a starch-producing undertaking, the Member State shall reduce the sub-quota of the undertaking which offers the factory for rent and shall allocate the portion by which the sub-quota was reduced to the undertaking which rents the factory in order to produce starch in it.

If the lease is terminated before the term referred to in Article 1 (k), the adjustment of the sub-quota pursuant to the preceding subparagraph shall be cancelled retroactively by the Member State as from the date on which the lease took effect. 97/95

4. If, following the application of paragraph 1a, production ceases in the factories of one or more of the starch-producing undertakings that have merged, thus seriously threatening the continuing production of potatoes for the manufacture of starch in the area which had previously supplied this undertaking or these undertakings: 206/96

— the Member State may direct the merged undertaking to transfer to the Member State the sub-quota initially allocated to the enterprise whose factories have since ceased production, and

— any quota transferred in accordance with the first indent may be reallocated by the Member State to any starch-producing undertaking that undertakes to manufacture the starch in the area concerned.

Article 18 97/95

The measures referred to in Article 17 shall take effect when the closure of the undertaking or factory, the merger or transfer occurs:

(a) between 1 July and 31 March of the following year, for the marketing year current during that period;

(b) between 1 April and 30 June of the same year, for the marketing year following that period.

Title IV

NOTIFICATIONS

Article 19

1. A Member State shall notify the allocation of the quota referred to in Article 2 (2) of Regulation (EC) No 1868/94 to the starch-producing undertakings concerned no later than 31 January 1995, and shall immediately forward this information to the Commission.

2. No later than 31 March of each marketing year, the starch-producing undertakings shall inform the competent authorities of:

— the quantities of starch potatoes which have qualified under Article 8 (1) and (2) of Regulation (EEC) No 1766/92;

— the quantities of starch in respect of which the premium referred to in Article 5 of Regulation (EC) No 1868/94 was paid.

3. When Article 3 of Article 17 applies, the Member States shall supply the Commission with detailed information and furnish evidence that the conditions laid down in those Articles have been complied with no later than 30 June of each marketing year.

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Article 20

Each Member State shall inform the Commission no later than 30 June of each marketing year of:

— the quantities of starch potatoes which have qualified under Article 8 (1) and (2) of Regulation (EEC) No 1766/92,

— the quantities of starch in respect of which the premium referred to in Article 5 of Regulation (EC) No 1868/94 has been paid,

— the quantities and sub-quotas for the starch-producing undertakings concerned by Article 6 (2) of Regulation (EC) No 1868/94,

— the quantities referred to in Article 13 (3) and (4) of this Regulation,

— the quantities referred to in Article 16 of this Regulation.

Title V

FINAL PROVISIONS

Article 21

The conversion rate to be used to express the minimum price, the premium and the compensatory payment in national currency shall be that valid on the day on which the potatoes are received by the starch manufacturer.

Article 22

Regulation (EEC) No 1711/93 is hereby repealed with effect from 1 July 1995.

Article 23

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

It shall apply from 1 July 1995, with the exception of Articles 1, 2 and 3, which shall apply immediately.

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 — LIITE II — BILAGA II

1949/95

Peso bajo agua de 5 050 g de patatas (en gramos)	Tenor en fécula de patatas (en porcentaje)	Cantidad de patatas necesarias para la fabricación de 1 000 kg de fécula (en kilogramos)	Precio mínimo a percibir por los productores para 1 000 kg de patatas (en ecus)	Prima a percibir por el fabricante de fécula para 1 000 kg de patatas (en ecus)	Pago compensatorio que debe percibir el productor 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)	Producentens mindstepris pr. 1 000 kg kartofler (ECU)	Præmie at betale kartoffelstivelsesfabrikant en pr. 1 000 kg kartofler (ECU)	Udligningsbeløb, som producenten modtager for 1 000 kg kartofler (i ECU)
Unterwassergewicht von 5 050 g Kartoffeln (in Gramm)	Stärkegehalt der Kartoffeln (in Prozent)	Zur Erzeugung von 1 000 kg Kartoffelstärke nötige Kartoffelmenge (in Kilogramm)	Dem Erzeuger für 1 000 kg Kartoffeln zu zahlender Mindestpreis (in ECU)	Dem Stärkeerzeuger für 1 000 kg Kartoffeln zu zahlende Prämie (in ECU)	Dem Erzeuger für 1 000 kg Kartoffeln zu zahlende Ausgleichszahlung (in ECU)
Βάρος υπό το ύδωρ 5 050 g πατατών (σε γραμμάρια)	Περιεκτικότητα σε άμυλο των πατατών (%)	Ποσότητα πατατών απαραίτητη για παραγωγή 1 000 kg αμύλου (σε χιλιόγραμμα)	Ελάχιστη τιμή προς είσπραξη από τον παραγωγό για 1 000 kg πατατών (σε Ecu)	Προμοδότηση προς πληρωμή στον παραγωγό για 1 000 kg πατατών (σε Ecu)	Εξισωτική πληρωμή που καταβάλλεται στον παραγωγό για 1 000 kg πατατών (σε Ecu)
Underwater weight of 5 050 g of potatoes (grams)	Starch content of potatoes (%)	Quantity of potatoes for the manufacture of 1 000 kg of starch (kg)	Minimum price to be paid to the potato producer per 1 000 kg of potatoes (ECU)	Premium to be paid to the starch producer per 1 000 kg of potatoes (ECU)	Compensatory payment to be paid to the producer per 1 000 kg potatoes (ECU)
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)	Prix minimal à percevoir par le producteur pour 1 000 kg de pommes de terre (en écus)	Prime à percevoir par le féculier pour 1 000 kg de pommes de terre (en écus)	Paiement compensatoire à percevoir par le producteur pour 1 000 kg de pommes de terre (en écus)
Peso sotto l'acqua di 5 050 g di patate (in grammi)	Tenore in fecola delle patate (in %)	Quantità di patate necessaria alla fabbricazione di 1 000 kg di fecola (in kg)	Prezzo minimo da percepire dal produttore per 1 000 kg di patate (in ecu)	Premio da percepire dal fabbricante di fecola per 1 000 kg di patate (in ecu)	Pagamento compensativo al produttore per 1 000 kg di patate (in ecu)
Onderwatergewicht van 5 050 g aardappelen (in g)	Zetmeelgehalte van de aardappelen (in %)	Hoeveelheid aardappelen benodigd voor de vervaardiging van 1 000 kg zetmeel (in kg)	Minimaal door de producent te ontvangen prijs per 1 000 kg aardappelen (in ecu)	Door de zetmeelproducent te ontvangen premie per 1 000 kg aardappelen (in ecu)	Aan de teler verschuldigd compensatiebedrag voor 1 000 kg aardappelen (in ecu)
Peso debaixo de água de 5 050 g de batata (em gramas)	Teor de fécula de batata (em percentagem)	Quantidade de batata de 1 000 kg de fécula (em quilogramas)	Preço mínimo a cobrar 1 000 kg de batata (em ecus)	Subsídio a cobrar pelo 1 000 kg de batata (em ecus)	Pagamento compensatório relativamente a 1 000 kg de batata (em ecus)
5 050 g perunoita vedenalainen paino (grammoina)	Perunoiden tärkkelyspitoisuus (prosentteina)	1 000 tärkkelyskilon valmistukseen tarvittava perunamäärä (kilogrammoina)	Tuottajalle 1 000 kg:sta perunoita maksettava vähimmäishinta (ecuina)	Tärkkelyksentuottajalle 1 000 kg:sta perunoita maksettava palkkio (ecuina)	Tuottajalle 1 000 kg:sta perunoita maksettava tasausmaksu (ecuina)
Vikt under vatten av 5 050 g potatis (g)	Potatisens stärkelseinnehåll (%)	Potatiskvantitet för framställning av 1 000 kg stärkelse (kg)	Minimipris att betala till potatisproducenten för 1 000 kg potatis (ecu)	Bidrag att betala till stärkelseproducenten för 1 000 kg potatis (ecu)	Kompensationsbetalning till producenten för 1 000 kg potatis (ecu)
1	2	3	4	5	6
352	13,0	6 533	32,11	3,405	13,31
353	13,1	6 509	32,23	3,417	13,36
354	13,1	6 486	32,34	3,429	13,40
355	13,2	6 463	32,46	3,441	13,45
356	13,2	6 439	32,58	3,453	13,50
357	13,3	6 416	32,70	3,466	13,55
358	13,3	6 393	32,81	3,478	13,60
359	13,4	6 369	32,94	3,490	13,65

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1	2	3	4	5	6
360	13,4	6 346	33,06	3,502	13,70
361	13,5	6 322	33,18	3,526	13,75
362	13,5	6 299	33,30	3,528	13,80
363	13,6	6 276	33,43	3,550	13,85
364	13,6	6 252	33,55	3,562	13,91
365	13,7	6 229	33,68	3,574	13,96
366	13,7	6 206	33,80	3,586	14,01
367	13,8	6 182	33,93	3,598	14,06
368	13,8	6 159	34,06	3,610	14,12
369	13,9	6 136	34,19	3,623	14,17
370	13,9	6 112	34,32	3,647	14,22
371	14,0	6 089	34,35	3,659	14,28
372	14,0	6 065	34,59	3,671	14,33
373	14,1	6 047	34,69	3,683	14,38
374	14,1	6 028	34,80	3,695	14,42
375	14,2	6 005	34,93	3,707	14,48
376	14,2	5 981	35,07	3,719	14,54
377	14,3	5 963	35,18	3,731	14,58
378	14,3	5 944	35,29	3,743	14,63
379	14,4	5 921	35,43	3,755	14,68
380	14,4	5 897	35,57	3,780	14,74
381	14,5	5 879	35,68	3,780	14,79
382	14,5	5 860	35,80	3,804	14,84
383	14,6	5 841	35,92	3,816	14,88
384	14,6	5 822	36,03	3,828	14,93
385	14,7	5 799	36,18	3,840	14,99
386	14,7	5 776	36,32	3,852	15,05
387	14,8	5 757	36,44	3,864	15,10
388	14,8	5 738	36,56	3,876	15,15
389	14,9	5 720	36,67	3,888	15,20
390	14,9	5 701	36,80	3,900	15,25
391	15,0	5 682	36,92	3,912	15,30
392	15,0	5 664	37,04	3,924	15,35
393	15,1	5 626	37,29	3,961	15,45
394	15,2	5 607	37,41	3,973	15,51
395	15,2	5 589	37,53	3,985	15,56
396	15,3	5 570	37,66	3,997	15,61
397	15,3	5 551	37,79	4,009	15,66
398	15,4	5 542	37,85	4,021	15,69
399	15,4	5 533	37,91	4,021	15,71
400	15,4	5 523	37,98	4,033	15,74
401	15,5	5 486	38,24	4,057	15,85

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1	2	3	4	5	6
402	15,6	5 467	38,37	4,069	15,90
403	15,6	5 449	38,50	4,081	15,96
404	15,7	5 430	38,63	4,093	16,01
405	15,7	5 411	38,77	4,118	16,07
406	15,8	5 393	38,90	4,130	16,12
407	15,8	5 374	39,04	4,142	16,18
408	15,9	5 364	39,11	4,154	16,21
409	15,9	5 355	39,17	4,154	16,24
410	15,9	5 346	39,24	4,166	16,26
411	16,0	5 327	39,38	4,178	16,32
412	16,0	5 308	39,52	4,190	16,38
413	16,1	5 280	39,73	4,214	16,47
414	16,2	5 266	39,84	4,226	16,51
415	16,2	5 252	39,94	4,238	16,55
416	16,3	5 234	40,08	4,250	16,61
417	16,3	5 215	40,23	4,263	16,67
418	16,4	5 206	40,30	4,275	16,70
419	16,4	5 196	40,37	4,287	16,73
420	16,4	5 187	40,44	4,287	16,86
421	16,5	5 150	40,73	4,323	16,88
422	16,6	5 136	40,85	4,335	16,93
423	16,6	5 121	40,96	4,347	16,98
424	16,7	5 107	41,08	4,359	17,02
425	16,7	5 093	41,19	4,371	17,07
426	16,8	5 075	41,34	4,383	17,13
427	16,8	5 056	41,39	4,407	17,20
428	16,9	5 042	41,61	4,419	17,24
429	16,9	5 028	41,72	4,432	17,29
430	17,0	5 000	41,96	4,456	17,39
431	17,1	4 986	42,07	4,468	17,44
432	17,1	4 972	42,19	4,480	17,49
433	17,2	4 963	42,27	4,480	17,52
434	17,2	4 953	42,35	4,492	17,55
435	17,2	4 944	42,43	4,504	17,58
436	17,3	4 930	42,55	4,516	17,63
437	17,3	4 916	42,67	4,528	17,69
438	17,4	4 902	42,79	4,540	17,74
439	17,4	4 888	42,92	4,552	17,79
440	17,5	4 874	43,04	4,564	17,84
441	17,5	4 860	43,16	4,576	17,89
442	17,6	4 846	43,29	4,589	17,94
443	17,6	4 832	43,41	4,601	17,99

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1	2	3	4	5	6
444	17,7	4 818	43,54	4,625	18,04
445	17,7	4 804	43,67	4,637	18,10
446	17,8	4 790	43,80	4,649	18,15
447	17,8	4 776	43,92	4,661	18,20
448	17,9	4 762	44,05	4,673	18,26
449	17,9	4 748	44,18	4,685	18,31
450	18,0	4 720	44,44	4,709	18,42
451	18,1	4 706	44,58	4,733	18,47
452	18,1	4 692	44,71	4,746	18,53
453	18,2	4 685	44,78	4,746	18,56
454	18,2	4 679	44,83	4,758	18,58
455	18,2	4 673	44,89	4,758	18,60
456	18,3	4 645	45,16	4,794	18,72
457	18,4	4 631	45,30	4,806	18,77
458	18,4	4 617	45,44	4,818	18,83
459	18,5	4 607	45,54	4,830	18,87
460	18,5	4 598	45,62	4,842	18,91
461	18,6	4 584	45,76	4,854	18,97
462	18,6	4 570	45,90	4,866	19,02
463	18,7	4 561	45,99	4,878	19,06
464	18,7	4 551	46,10	4,890	19,10
465	18,7	4 542	46,19	4,902	19,14
466	18,8	4 523	46,38	4,915	19,22
467	18,9	4 509	46,52	4,939	19,28
468	18,9	4 495	46,67	4,951	19,34
469	19,0	4 481	46,82	4,963	19,40
470	19,0	4 467	46,96	4,987	19,46
471	19,1	4 458	47,06	4,987	19,50
472	19,1	4 449	47,15	4,999	19,54
473	19,2	4 437	47,28	5,011	19,69
474	19,2	4 425	47,41	5,023	19,65
475	19,3	4 414	47,53	5,047	19,70
476	19,3	4 402	47,66	5,059	19,75
477	19,4	4 390	47,90	5,072	19,80
478	19,4	4 379	47,91	5,084	19,85
479	19,5	4 367	48,04	5,096	19,91
480	19,5	4 355	48,17	5,108	19,96
481	19,6	4 343	48,30	5,120	19,02
481,6	19,6	4 337	48,37	5,132	20,05
482	19,7	4 335	48,39	5,132	20,06
483	19,7	4 332	48,43	5,132	20,07
483,2	19,7	4 332	48,43	5,132	20,07

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1	2	3	4	5	6
484	19,8	4 325	48,50	5,144	20,10
484,8	19,8	4 318	48,58	5,156	20,13
485	19,9	4 317	48,59	5,156	20,14
486	19,9	4 311	48,66	5,168	20,17
486,4	19,9	4 309	48,68	5,168	20,18
487	20,0	4 305	48,73	5,168	20,20
488	20,0	4 299	48,80	5,180	20,22
489	20,1	4 294	48,85	5,180	20,25
490	20,1	4 290	48,90	5,192	20,27
491	20,2	4 287	48,93	5,192	20,28
492	20,2	4 285	48,96	5,192	20,29
493	20,3	4 283	48,98	5,192	20,30
494	20,3	4 280	49,01	5,204	20,31
495	20,4	4 278	49,04	5,204	20,32
496	20,4	4 276	49,06	5,204	20,33
497	20,5	4 273	49,09	5,204	20,35
498	20,5	4 271	49,12	5,216	20,36
499	20,6	4 266	49,17	5,216	20,38
500	20,6	4 262	49,22	5,216	20,40
501	20,7	4 259	49,26	5,229	20,41
502	20,7	4 257	49,28	5,229	20,42
503	20,8	4 255	49,30	5,229	20,43
504	20,8	4 252	49,34	5,229	20,45
505	20,9	4 248	49,38	5,241	20,47
506	20,9	4 243	49,44	5,241	20,49
507	21,0	4 238	49,50	5,253	20,51
508	21,0	4 234	49,55	5,253	20,53
509	21,1	4 229	49,61	5,265	20,56
509,9	21,1	4 224	49,66	5,265	20,58
510	21,1	4 224	49,66	5,265	20,58
511	21,2	4 219	49,72	5,277	20,61
511,8	21,2	4 215	49,77	5,277	20,63
512	21,3	4 214	49,78	5,277	20,63
513	21,3	4 209	49,84	5,289	20,66
513,7	21,3	4 206	49,88	5,289	20,67
514	21,4	4 204	49,90	5,289	20,68
515	21,4	4 199	49,96	5,301	20,70
515,6	21,4	4 196	50,00	5,301	20,72
516	21,5	4 194	50,02	5,301	20,73
517	21,5	4 189	50,08	5,313	20,75
517,5	21,5	4 187	50,10	5,313	20,76
518	21,6	4 184	50,14	5,313	20,78

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1	2	3	4	5	6
519	21,6	4 180	50,19	5,325	20,80
519,4	21,6	4 178	50,21	5,325	20,81
520	21,7	4 175	50,25	5,325	20,82
521	21,7	4 170	50,31	5,337	20,85
521,3	21,7	4 168	50,33	5,337	20,86
522	21,8	4 165	50,37	5,337	20,87
523	21,8	4 160	50,43	5,349	20,90
523,2	21,8	4 159	50,44	5,349	20,90
524	21,9	4 155	50,49	5,361	20,92
525	21,9	4 150	50,55	5,361	20,95
525,1	21,9	4 150	50,55	5,361	20,95
526	22,0	4 145	50,61	5,373	20,97
527	22,0	4 140	50,67	5,373	21,00
528	22,1	4 135	50,73	5,385	21,03
528,8	22,1	4 131	50,78	5,385	21,05
529	22,2	4 130	50,79	5,385	21,05
530	22,2	4 125	50,86	5,398	21,08
530,6	22,2	4 122	50,89	5,398	21,09
531	22,3	4 119	50,93	5,398	21,11
532	22,3	4 114	50,99	5,410	21,13
532,4	22,3	4 112	51,02	5,410	21,14
533	22,4	4 111	51,01	5,410	21,15
534	22,4	4 108	51,07	5,422	21,16
534,2	22,4	4 108	51,07	5,422	21,16
535	22,5	4 103	51,13	5,422	21,19
536	22,5	4 098	51,19	5,434	21,22
537	22,6	4 093	51,25	5,434	21,24
537,8	22,6	4 089	51,30	5,446	21,26
538	22,7	4 088	51,32	5,446	21,27
539	22,7	4 083	51,38	5,446	21,29
539,6	22,7	4 080	51,42	5,458	21,31
540	22,8	4 078	51,44	5,458	21,32
541	22,8	4 076	51,47	5,458	21,33
541,4	22,8	4 075	51,48	5,458	21,33
542	22,9	4 072	51,52	5,470	21,35
543	22,9	4 066	51,59	5,470	21,38
543,2	22,9	4 066	51,59	5,470	21,38
544	23,0	4 061	51,66	5,482	21,41
545	23,0	4 056	51,72	5,482	21,43
and more					