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► **B** **COUNCIL REGULATION (EC) No 1868/94**
of 27 July 1994
establishing a quota system in relation to the production of potato starch
(OJ L 197 , 30.7.1994, p. 4)

Amended by:

	Official Journal		
	No	page	date
► M1 Commission Regulation (EC) No 1664/95 of 7 July 1995	L 158	13	8.7.1995
► M2 Council Regulation (EC) No 1863/95 of 17 July 1995	L 179	1	29.7.1995
► M3 Council Regulation (EC) No 1284/98 of 16 June 1998	L 178	3	23.6.1998
► M4 Council Regulation (EC) No 1252/1999 of 17 May 1999	L 160	15	26.6.1999
► M5 Council Regulation (EC) No 962/2002 of 27 May 2002	L 149	1	7.6.2002
► M6 Council Regulation (EC) No 1782/2003 of 29 September 2003	L 270	1	21.10.2003
► M7 Council Regulation (EC) No 941/2005 of 30 May 2005	L 159	1	22.6.2005

Amended by:

► A1 Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003
(adapted by Council Decision 2004/281/EC)	L 93	1	30.3.2004

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).



COUNCIL REGULATION (EC) No 1868/94

of 27 July 1994

establishing a quota system in relation to the production of potato starch

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas 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 ⁽⁴⁾ provided for the Council to decide what measures to take if the production of potato starch within the Community exceeded 1,5 million tonnes in the marketing year 1993/94 or 1994/95; whereas production in 1993/94 exceeded such figure;

Whereas the potato starch sector is not subject to the restrictions on production, and in particular to set-aside, applying in the cereals sector; whereas all provisions in favour of the potato starch sector must nevertheless be compatible with the control of production, which is as necessary in the potato starch sector as in other sectors;

Whereas the measure controlling production which fits best with the mechanism of premiums for the production of potato starch is that of the introduction of a system of quotas;

Whereas any Member State where potato starch has been produced should be allocated a quota based on the average amount of potato starch produced in that Member State in the marketing years 1990/91, 1991/92 and 1992/93 for which premium was received, proportionately adjusted having regard to a total Community quota of 1,5 million tonnes;

Whereas quotas should be allocated to Denmark, Germany, Spain, France and the Netherlands for use in the marketing years 1995/96, 1996/97 and 1997/98;

Whereas in the case of Germany, the change from the planned economy existing in the new *Länder* before reunification to a market economy with the consequent change in agricultural production structures and necessary investments justifies the use of a different reference year, namely 1992/93, and the increase of the amount produced in that year by 90 000 tonnes, together with the creation of a reserve for Germany to cover production resulting from investments irreversibly undertaken before 31 January 1994, if this cannot be met within the limit of the quota allocated to Germany; whereas these amounts cannot be accommodated within a Community quota of 1,5 million tonnes; whereas it is therefore necessary to add them to this figure;

Whereas producer Member States should allocate their quota for a period of three years between all undertakings producing potato starch, on the basis of the average starch produced by them during the marketing years 1990/91, 1991/92 and 1992/93 and for which premium was received, or the amount of starch produced in 1992/93 only on the same basis, at the choice of the Member State, and investments made by those undertakings prior to 31 January 1994 in relation to the production of potato starch;

⁽¹⁾ OJ No C 83, 19. 3. 1994, p. 5.

⁽²⁾ OJ No C 128, 9. 5. 1994.

⁽³⁾ OJ No C 148, 30. 5. 1994, p. 49.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 4.

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Whereas in order to take account of possible restructuring of the market in potato starch production the Commission shall at the end of the three-year period and thereafter at three-yearly intervals make a report to the Council on quota allocations accompanied, if necessary, by appropriate proposals; whereas at that time the case of new potato-starch producers will be examined;

Whereas specific structural constraints on the starch production sector make it necessary to establish a premium for the production of potato starch up to the level of an undertaking's quota; whereas, in order to protect potato producers, payment of the premium shall be dependent upon payment of the minimum price of the quantity of potatoes needed to produce starch up to the level of the quota;

Whereas undertakings producing potato starch shall not conclude cultivation contracts with potato producers in relation to a quantity of potatoes which would produce starch in excess of their quota; whereas any starch produced in excess of that quota shall be exported from the Community without benefiting from any export refund,

HAS ADOPTED THIS REGULATION:

Article 1

A system of quotas for the production of potato starch which may benefit from Community aid is hereby introduced.

▼M7*Article 2*

1. The potato starch producing Member States shall be allocated quotas for the 2005/2006 and 2006/2007 marketing years in accordance with the Annex hereto.
2. Each producer Member State referred to in the Annex shall allocate its quota among potato starch manufacturers for use in the 2005/2006 and 2006/2007 marketing years on the basis of the sub-quotas available to each manufacturer in 2004/2005, subject to application of the second subparagraph.

The sub-quotas available to each manufacturer for the 2005/2006 marketing year shall be adjusted to take account of any amount used in excess of quota during the 2004/2005 marketing year in accordance with Article 6(2).

Article 3

1. No later than 30 September 2006, the Commission shall present to the Council a report on the allocation of quota within the Community, accompanied by appropriate proposals. The report shall take account of any changes in the payments to potato producers and of developments on the potato starch and cereal starch markets.
2. No later than 31 December 2006, the Council, acting on the basis of Article 37 of the Treaty, shall decide on the proposals from the Commission on the basis of the report referred to in paragraph 1.
3. No later than 31 January 2007, the Member States shall notify those concerned of the detailed rules adopted for the sector.

▼A1*Article 4*

An undertaking producing potato starch shall not conclude cultivation contracts with potato producers for a quantity of potatoes which would produce a quantity of starch in excess of its quota, referred to in Article 2(2) or 2(4).

▼ **M6***Article 4a*

A minimum price for potatoes intended for the manufacture of potato starch shall be set at EUR 178,31 per tonne from the 2004/2005 marketing year onwards.

This price applies to the quantity of potatoes, delivered to the factory, which is needed for making one tonne of starch.

The minimum price shall be adjusted according to the starch content of the potatoes.

▼ **A1***Article 5*

A premium of EUR 22,25 per tonne of starch produced shall be paid to undertakings producing potato starch for the quantity of potato starch up to the quota limit referred to in Article 2(2) or 2(4), provided that they have paid to potato producers the minimum price, referred to in Article 4a, for all the potatoes necessary to produce starch up to that quota limit.

▼ **B***Article 6*▼ **A1**

1. Any potato starch produced in excess of the quota referred to in Article 2(2) or 2(4) shall be exported, as such, from the Community before 1 January following the end of the marketing year in question.

No export refund shall be paid in respect of it.

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2. ► **M2** Notwithstanding ◀ paragraph 1, an undertaking producing potato starch may, in any marketing year, in addition to its quota for that year, utilize no more than 5 % of its quota relating to the following marketing year. In such case, the quota for the following marketing year shall be reduced accordingly.

▼ **M6***Article 7*

The provisions of this Regulation shall not cover production of potato starch by undertakings which are not subject to Article 2(2) of this Regulation and which purchase potatoes for which producers do not benefit from the payment provided for in Article 93 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽¹⁾.

▼ **B***Article 8*

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92. They shall include, in particular, rules applicable in the case of mergers, changes of ownership and the commencement or cessation of trading of undertakings, and any specific measures necessary to facilitate the transition from the system in force to that established by this Regulation.

Article 9

Regulation (EEC) No 1543/93 is repealed with effect from 1 July 1995. All references to Regulation (EEC) No 1543/93 shall be construed as being references to this Regulation.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1

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Article 10

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

It shall apply from 1 July 1995.

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