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**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
► <b><u>M1</u></b> Commission Regulation (EC) No 1664/95 of 7 July 1995	L 158	13	8.7.1995
► <b><u>M2</u></b> Council Regulation (EC) No 1863/95 of 17 July 1995	L 179	1	29.7.1995
► <b><u>M3</u></b> Council Regulation (EC) No 1284/98 of 16 June 1998	L 178	3	23.6.1998
► <b><u>M4</u></b> Council Regulation (EC) No 1252/1999 of 17 May 1999	L 160	15	26.6.1999
► <b><u>M5</u></b> Council Regulation (EC) No 962/2002 of 27 May 2002	L 149	1	7.6.2002

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<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

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<sup>(4)</sup> 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

<sup>(1)</sup> OJ No C 83, 19. 3. 1994, p. 5.

<sup>(2)</sup> OJ No C 128, 9. 5. 1994.

<sup>(3)</sup> OJ No C 148, 30. 5. 1994, p. 49.

<sup>(4)</sup> OJ No L 154, 25. 6. 1993, p. 4.

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by those undertakings prior to 31 January 1994 in relation to the production of potato starch;

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.

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*Article 2*

1. The potato starch producer Member States listed below are hereby allocated the following quotas for the 2002/2003, 2003/2004 and 2004/2005 marketing years:

	<i>(tonnes)</i>
Denmark	168 215
Germany	656 298
Spain	1 943
France	265 354
Netherlands	507 403
Austria	47 691
Finland	53 178
Sweden	62 066
<b>Total</b>	<b>1 762 148</b>

2. Each producer Member State shall allocate the quota referred to in paragraph 1 between potato starch manufacturers for use in the 2002/2003, 2003/2004 and 2004/2005 marketing years in proportion to the subquotas available to each manufacturer for the 2001/2002 marketing year before application of a possible correction under Article 6(2).

The subquotas available for each manufacturer for the 2002/2003 marketing year shall be adjusted to take account of any amount used in excess of quota during the 2001/2002 marketing year in accordance with Article 6(2).

▼ M5*Article 3*

1. On or before 30 September 2004, and thereafter at three-yearly intervals, the Commission shall present to the Council a report on the allocation of quota within the Community, accompanied by appropriate proposals. This report shall take account of possible changes in the payments to potato producers and of developments on the potato starch and cereal starch markets.
2. On or before 31 December 2004, and thereafter at three-yearly intervals, the Council, acting on the basis of Article 37 of the Treaty, shall allocate the quota between Member States on the basis of the report referred to in paragraph 1 for use in the following three marketing years.
3. On or before 31 January 2005, and thereafter at three-yearly intervals, Member States shall notify those concerned of the details of quota allocations for the following three marketing years.

▼ B*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).

*Article 5*

A premium of ► M1 ECU 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), provided that they have paid to potato producers the minimum price, referred to in Article 8 (1) of Regulation (EEC) No 1766/92 <sup>(1)</sup>, for all the potatoes necessary to produce starch up to that quota limit.

*Article 6*

1. ► M2 ————— ◀ Any potato starch produced in excess of the quota referred to in Article 2 (2) 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.

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.

▼ M5*Article 7*

This Regulation shall not cover production of potato starch by undertakings which neither purchase potatoes which have benefited from the payment referred to in Article 8 of Regulation (EEC) No 1766/92 nor benefit from the refund referred to in Article 7 of that Regulation.

▼ 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

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 1866/94 (see page 1 of this Official Journal).

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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.

*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.