

Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder

CHAPTER II

AID FOR SKIMMED-MILK POWDER

Section 1

Amount of aid and implementing conditions

Article 7

- [^{F1} Aid is fixed at:
- a EUR 0,00 per 100 kg of skimmed milk with a protein content of not less than 35,6 % of the non-fatty dry extract;
 - b EUR 0,00 per 100 kg of skimmed milk with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract;
 - c EUR 0,00 per 100 kg of skimmed-milk powder with a protein content of not less than 35,6 % of the non-fatty dry extract;
 - d EUR 0,00 per 100 kg of skimmed-milk powder with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract.]
- 2 In the case of skimmed-milk powder with a moisture content exceeding 5 %, the aid shall be reduced by 1 % for each additional 0,2 % of moisture.

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 1558/2006 of 18 October 2006 amending Regulation \(EC\) No 2799/1999 laying down detailed rules for applying Council Regulation \(EC\) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder.](#)

Article 8

To qualify for aid, skimmed-milk powder must meet at least the following conditions:

- (a) it must be used in an undertaking approved in accordance with Article 9:
 - (i) either unaltered or incorporated in a mixture,
 - or
 - (ii) unaltered for the manufacture of denatured skimmed-milk powder;
- (b) it may not have benefited from aid or a reduction in price under other Community measures.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

Article 9

1 Undertakings producing mixtures, compound feedingstuffs or denatured skimmed-milk powder must have been approved for that purpose by the competent agency of the Member State on whose territory production takes place.

2 Approval shall be granted to undertakings which:

- a have suitable technical equipment and administrative and accounting methods which make it possible to comply with both this Regulation and the additional requirements laid down by the Member State;
- b submit to an inspection by the competent agency.

3 Except in cases of *force majeure*, where it is found that an undertaking no longer meets the conditions laid down in paragraph 2 or has failed to comply with another obligation under this Regulation, approval shall be suspended for a period of one to twelve months, depending on the seriousness of the irregularity.

If, at the end of that period, the conditions laid down in paragraph 2 are not met, approval shall be withdrawn. Approval may be reinstated after no less than six months, at the request of the undertaking concerned, following an in-depth inspection.

Member States may decide not to impose such a suspension if it is established that the irregularity was not committed deliberately or through serious negligence and that its consequences are marginal.

Article 10

1 Packages containing mixtures must show the following information:

- a one or more of the statements listed in Annex II.A;
- b an indication of the skimmed-milk powder content, the added mineral and sucrose content and the fat content, including liposoluble technical agents;
- c an indication identifying the undertaking by reference to its approval number.

2 Without prejudice to Article 11 and Council Directive 79/373/EEC⁽¹⁾, compound feedingstuffs shall be packed in sacks or other closed or sealed containers containing not more than 50 kilograms showing the following information:

- a one or more of the statements listed in Annex II.B;
- b an indication identifying the undertaking by reference to its approval number;
- c the skimmed-milk powder content;
- d the manufacturing batch number;
- e the date of manufacture, if this is not indicated in the manufacturing batch number.

The above information must be clearly legible and indelibly marked on the package or container or on a label affixed thereto.

3 The Member States may lay down detailed rules for marking the packages as prescribed in paragraph 2, as well as any additional information which may be given on the packaging or container or on a label. They shall inform the Commission of any measures which they take to that end.

Article 11

Article 10(2) shall not apply to compound feedingstuffs:

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

- (a) containing lucerne meal or grass meal under the conditions laid down in Article 5(1)(a)(iii);
- (b) delivered by tanker or container to a farm or a breeding or fattening concern which uses these compound feedingstuffs on the conditions laid down in Articles 12 and 13.

Article 12

Undertakings receiving the aid shall, on application, be authorised to deliver compound feedingstuffs by tanker or container. Such authorisation shall be granted by the competent authority of the Member State on whose territory the undertaking is established.

Delivery shall take place under administrative supervision to ensure, in particular, that it is made to a farm or breeding or fattening concern which uses feedingstuffs.

Article 13

1 When delivery by tanker or container takes place in a Member State other than the producer Member State, proof of delivery under administrative supervision as referred to in Article 12 shall be furnished by production of the control copy referred to in Articles 471 to 495 of Commission Regulation (EEC) No 2454/93⁽²⁾.

2 Section 104 of the control copy must contain one or more of the statements listed in Annex II.C.

3 The importing Member State shall check that the consignee complies with the conditions set out in the second paragraph of Article 12.

Section 2

Inspection measures

Article 14

1 Undertakings producing compound feedingstuffs may receive aid only if they keep records, based on their accounts, corresponding to the payment schedule fixed by the Member State and including at least the following information:

- a the quantities of milk products purchased or manufactured, and the date of delivery or production;
- b the date of delivery and quantities of skimmed milk and skimmed-milk powder manufactured or received unaltered or in a mixture used to manufacture compound feedingstuffs, together with the name and address of the supplier and the milk-protein content of the products;
- c the date of manufacture of compound feedingstuffs and the quantities manufactured, with particulars of their composition and the percentage of each ingredient, and in particular the quantities of casein and/or caseinates added unaltered or in a mixture;
- d the date of sale of skimmed milk, skimmed-milk powder and compound feedingstuffs and the quantity sold, together with the name and address of the consignee;
- e losses, samples, returns and exchanges of skimmed milk, skimmed-milk powder and compound feedingstuffs.

2 The information listed in paragraph 1 shall be supported by delivery vouchers and invoices.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

3 Member States may require undertakings to keep specific stock accounts showing, in particular, any additional information they deem necessary to facilitate application of this Regulation.

Article 15

In order to ensure compliance with this chapter, the Member States shall carry out, in particular, the inspections provided for in Articles 16 to 18.

The agency responsible for inspection shall record the results of the inspections in reports containing, in particular, the information provided for in Annex I to this Regulation.

Article 16

1 Subject to paragraph 2, as regards compliance with the protein, moisture and fat content of the skimmed milk or skimmed-milk powder incorporated, the inspection shall be made before, or at the latest at the time of, their use, whether unaltered or in the form of a mixture, in the manufacture of compound feedingstuffs or their use unaltered in the manufacture of denatured skimmed-milk powder.

2 Where the skimmed-milk powder used, whether unaltered or in a mixture, comes directly from the factory premises in which it is produced, the inspection referred to in paragraph 1 may be made before the powder leaves the said factory premises. In that case, the following rules shall apply:

- a the inspecting agency concerned shall take all necessary action to ensure that the quantity of skimmed-milk powder checked is actually used in the manufacture of compound feedingstuffs or denatured skimmed-milk powder;
- b the sacks, packaging and containers in which the skimmed-milk powder is put up shall bear the relevant information identifying the powder and the factory premises and shall show the date of manufacture, the net weight and the protein, moisture and fat content of the powder;
- c the inspection records drawn up by the inspecting agency must:
 - (i) identify the skimmed-milk powder and state, in particular, the quantity of powder, its protein, moisture and fat content and the date of manufacture,
 - (ii) accompany the skimmed-milk powder until it is incorporated into compound feedingstuffs,
 - (iii) be annexed to the records referred to in Article 14(1).

Article 17

1 The arrangements for inspecting the use of skimmed milk and skimmed-milk powder, whether unaltered or in a mixture, in the manufacture of compound feedingstuffs, shall be determined by the Member State concerned and must fulfil at least the conditions set out in paragraphs 2 to 5.

2 Inspection of the undertakings concerned shall cover, in particular:

- a the composition of the skimmed milk and skimmed-milk powder used unaltered;
- b the composition of mixtures used;
- c the composition of the compound feedingstuffs manufactured.

3 Inspection of undertakings shall take place on the premises and shall relate in particular to the manufacturing conditions as established by:

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

- a inspecting the raw materials used;
- b checking incoming and outgoing products;
- c sampling;
- d checking the records referred to in Article 14(1).

4 Inspections shall be unannounced and shall be made at least once in every 14 days of manufacture. Their frequency shall be determined on the basis of the quantities of skimmed-milk powder used by the undertaking and the frequency with which its accounts are scrutinised under paragraph 5.

Undertakings not constantly using skimmed milk or skimmed-milk powder shall forward their manufacturing programme to the inspecting agency of the Member State concerned so that the latter may arrange the corresponding inspections.

The above inspection frequency shall not apply in cases where the manufacture of compound feedingstuffs is the subject of continuous inspection on the premises.

5 The inspections referred to in paragraph 4 shall be supplemented by thorough and unannounced scrutiny of commercial documents and of the records referred to in Article 14(1).

Such scrutiny shall be carried out at least once every 12 months. Where it is carried out at least once every three months, the frequency of the inspections referred to in paragraph 3 may be reduced from at least once in every 14 days to at least once in every 28 days of manufacture.

Article 18

1 The manufacture of denatured skimmed-milk powder shall be inspected on the premises at least once a day during the denaturing operation.

2 Undertakings manufacturing denatured skimmed-milk powder shall notify the competent agency, before manufacture, by letter or by any other means of written telecommunication, of:

- a the factory's approval number;
- b the quantity of skimmed-milk powder to be denatured;
- c the place where denaturing will take place;
- d the planned dates when denaturing will take place.

The competent agency shall fix the deadline for notifying manufacturing dates and may request additional information.

Article 19

Subject to Article 20, the reference methods to be used for the analyses provided for by this Regulation shall be those in the list drawn up pursuant to Article 2 of Commission Regulation (EC) No 2721/95.

Article 20

[^{F21}] The skimmed-milk powder content of mixtures and compound feedingstuffs shall be determined by testing each sample at least in duplicate using the analysis method described in Annex XXII to Regulation (EC) No 213/2001, supplemented by the checks provided for in Article 17(3) of this Regulation. Should there be a discrepancy between the results of these checks, the result of the on-the-spot inspection shall be conclusive.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

2 The absence of rennet whey shall be proven using the method described in Annex XIX to Regulation (EC) No 213/2001.

3 The starch content of compound feedingstuffs shall be determined by the checks provided for in Article 17(3) of this Regulation, which must be supplemented with the analysis method described in Annex XXIII to Regulation (EC) No 213/2001.

4 The moisture content of acid buttermilk powder shall be determined using the analysis method described in Annex XXIV to Regulation (EC) No 213/2001.]

5 The grass meal or lucerne meal content, the starch content and the fish-meal content of denatured skimmed-milk powder shall be determined either by laboratory analysis or by the on-the-spot inspection provided for in Article 18(1).

Textual Amendments

- F2** Substituted by [Commission Regulation \(EC\) No 213/2001 of 9 January 2001 laying down detailed rules for the application of Council Regulation \(EC\) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products and amending Regulations \(EC\) No 2771/1999 and \(EC\) No 2799/1999.](#)

Article 21

In order to carry out the analytical tests provided for in this chapter, Member States may, after obtaining the Commission's consent, set up under their supervision a system of self checking for certain approved undertakings.

Section 3

Payment of aid

Article 22

1 The amount of aid shall be that applicable either on the day on which the skimmed milk or skimmed-milk powder is processed into compound feedingstuffs or on the day on which the skimmed-milk powder is denatured, as the case may be.

2 The aid shall be paid by the competent authority designated by the Member State in whose territory the manufacturer using the skimmed milk or skimmed-milk powder either to manufacture compound feedingstuffs or for denaturing, as the case may be, is situated.

3 The aid shall be paid on the basis of applications submitted by manufacturers of compound feedingstuffs or denatured skimmed-milk powder (hereinafter called 'beneficiaries') to the competent authority, indicating:

- a the name and address of the beneficiary;
- b the quantity of skimmed milk or skimmed-milk powder for which aid is requested, indicating the protein content;
- c where applicable, the quantity of compound feedingstuffs into which the skimmed milk or skimmed-milk powder referred to at (b) is incorporated, indicating any relevant manufacturing batch numbers.

4 The aid shall be paid at intervals to be fixed by the Member State, but the period covered by the payment application may not exceed one month.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

Article 23

- 1 Payment of the aid shall be subject to the conditions set out in paragraphs 2 to 4.
- 2 The results of the analyses provided for in this chapter and the checks referred to in Article 15 relating to the payment period immediately prior to that for which the aid is requested must show that the provisions of this chapter have been complied with.
- 3 Beneficiaries must show to the satisfaction of the competent authority that the corresponding quantity of skimmed milk or skimmed-milk powder has been processed into compound feedingstuffs or denatured during the period covered by the aid application.
- 4 In cases covered by Article 12, beneficiaries shall supply supporting documents establishing to the satisfaction of the competent authority that the compound feedingstuffs have actually been delivered by tanker or container to a farm or breeding or fattening concern which uses such feedingstuffs.

Article 24

1 Without prejudice to Article 25, if the results of the analyses provided for in this chapter and the checks referred to in Article 15 show that the applicant has not complied with this chapter during the previous payment period, payment of the aid for the period covered by the current application shall be suspended pending the results of the checks made during the period in question. In addition, any aid unduly paid for the previous period concerned shall be recovered.

2 The amount of aid unduly paid out shall be that paid for all the skimmed milk or skimmed-milk powder used during the period between the date of the last inspection giving rise to no observations and the date of the inspection indicating that the beneficiary is again complying with this Regulation.

However, if the beneficiary so requests, the authority responsible for inspections shall carry out a special enquiry as soon as possible, at the former's expense. If the quantity is shown to be less than that referred to in the first subparagraph, the amount to be recovered shall be adjusted accordingly.

Article 25

Where the condition laid down in Article 23(3) is met, Member States shall be authorised to pay an advance, within the meaning of Article 18 of Commission Regulation (EEC) No 2220/85⁽³⁾, for an amount equal to the amount of aid applied for, subject to the lodging of a security equal to 110 % of the amount of the advance.

In this case, the supporting documents proving entitlement to the aid shall be supplied within six months following payment of the advance.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II. (See end of Document for details)

- (1) OJ L 86, 6.4.1979, p. 30.
- (2) OJ L 253, 11.10.1993, p. 1.
- (3) OJ L 205, 3.8.1985, p. 5.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, CHAPTER II.