

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 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.

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:

- 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.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, Section 2. (See end of Document for details)

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

[^{F1} 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.

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.]

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, Section 2. (See end of Document for details)

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

- F1** 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.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 2799/1999, Section 2.