Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (repealed)

ANNEX I

CEREALS

PART I

Eligibility criteria for cereals

The requirements referred to in Article 7(1) as regards cereals shall be, in particular, the following:

(a) cereals are of the typical colour of the cereal in question;

(b) cereals are free from abnormal smell and live pests (including mites) at every stage of their development;

(c) cereals meet the minimum quality requirements set out in Part II of this Annex; and

(d) the levels of contaminants, including radioactivity, do not exceed the maximum levels permitted under Community legislation.

The maximum contaminant level which must not be exceeded shall be as follows:

(a) for common wheat and durum wheat, those permitted under Council Regulation (EEC) No 315/93[(1)], including the requirements regarding the Fusarium-toxin level for common wheat and durum wheat laid down in points 2.4 to 2.7 of the Annex to Commission Regulation (EC) No 1881/2006[(2)];

(b) for barley, maize and sorghum, those set by Directive 2002/32/EC.

Member States shall check levels of contaminants, including radioactivity, on the basis of a risk analysis, taking account in particular of the information supplied by the offerer or tenderer and the commitments of the latter regarding compliance with the standards set, especially in the light of the results of the analyses.

In addition, in cases where analyses indicate that the Zeleny index of a batch of common wheat is between 22 and 30, for this wheat to be deemed sound, fair and of marketable quality, the dough obtained from it must be judged to be non-sticky and machinable.

[F1PART II

Minimum quality requirements referred to in Part I]

	[F1Durum wheat	Common wheat	Barley	Maize	Sorghum
a	[F2of which maximum 3 % for impurities other than grains affected by fusariosis.]				
b	[F1As a percentage of dry matter.]				
‘[F2X’ indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.]					
‘[F1n.a.’:not applicable, not requiring analysis.]					

A.Maximum moisture content	14,5 %	14,5 %	14,5 %	13,5 %	13,5 %**]**
[F1B.Maximum percentage of matter which is not basic cereal of unimpaired quality	12 %	12 %	12 %	12 %	12 %
1.Broken grains	6 %	5 %	5 %	5 %	5 %
2.Grain impurities	8,5 %	7 %	12 %	5 %	5 %
2.1.Impurities other than mottled grains	5 %	7 %	12 %	5 %	5 %
(a)shrivelled grains	X	X	X	n.a.	n.a.
(b)other cereals	3 %	X	5 %	X	X
(c)grains damaged by pests	X	X	X	X	X
(d)grains in which the germ is discoloured	X	X	n.a.	n.a.	n.a.
(e)grains overheated during drying	0,5 %	0,5 %	3 %	0,5 %	0,5 %
2.2.Mottled grains	3,5 %	n.a.	n.a.	n.a.	n.a.
3.Sprouted grains	4 %	4 %	6 %	6 %	6 %
4.Miscellaneous impurities	4,5 %[a]	3 %	3 %	3 %	3 %
of which:					
(a)extraneous seeds:					
—noxious	0,1 %	0,1 %	0,1 %	0,1 %	0,1 %

a **[**F2of which maximum 3 % for impurities other than grains affected by fusariosis.**]**

b **[**F1As a percentage of dry matter.**]**

‘**[**F2X’ indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.**]**

‘**[**F1n.a.’:not applicable, not requiring analysis.**]**

—other	X	X	X	X	X
(b)damaged grains					
—grains damaged by spontaneous heating or too extreme heating during drying	0,05 %	0,05 %	X	X	X
—grains affected with fusariosis	1,5 %	X	X	X	X
—other	X	X	X	X	X
(c)extraneous matter	X	X	X	X	X
(d)husks (cob fragments in the case of maize)	X	X	X	X	X
(e)ergot	0,05 %	0,05 %	n.a.	n.a.	n.a.
(f)decayed grains	X	X	n.a.	n.a.	n.a.
(g)impurities of animal origin	X	X	X	X	X**]**
[F1C.Maximum percentage of wholly or partially mitadiné grains	7 %	n.a.	n a.	n.a.	n.a.
D.Maximum tannin content[b]	n.a.	n.a.	n.a.	n.a.	1 %
E.Minimum specific weight (kg/hl)	78	73	62	n.a.	n.a.

a **[**F2of which maximum 3 % for impurities other than grains affected by fusariosis.**]**

b **[**F1As a percentage of dry matter.**]**

‘**[**F2X’ indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.**]**

‘**[**F1n.a.’:not applicable, not requiring analysis.**]**

F.Minimum protein content[b]	11,5 %	10,5 %	n.a.	n.a.	n.a.
G.Hagberg falling number (seconds)	220	220	n.a.	n.a.	n.a.
H.Minimum Zeleny index (ml)	n.a.	22	n.a.	n.a.	n.a.**]**

a **[**[F2]of which maximum 3 % for impurities other than grains affected by fusariosis.**]**

b **[**[F1]As a percentage of dry matter.**]**

'**[**[F2]X' indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.**]**

'**[**[F1]n.a.':not applicable, not requiring analysis.**]**

Textual Amendments

F2 Inserted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

[[F1]Matter other than basic cereals of unimpaired quality is defined in Part III of this Annex.

Grains of basic cereals and other cereals which are damaged or decayed are classified as 'miscellaneous impurities' even if they have defects which belong to other categories.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

[[F1]PART III

1. DEFINITION OF MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1.1. **Broken grains**

For durum wheat, common wheat and barley, the definition of 'broken grains' is that contained in standard EN 15587.

For maize, 'broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 4,5 mm in diameter.

For sorghum, 'broken grains' means pieces of grain or grains which pass through a sieve with a circular mesh 1,8 mm in diameter.

1.2. **Grain impurities**

(a) *Shrivelled grains*

For durum wheat, common wheat and barley, the definition of 'shrivelled grains' is that contained in standard EN 15587. However, for barley from Estonia, Latvia, Finland and Sweden, 'shrivelled grains' means grains with a specific weight of at least 64 kilograms per hectolitre offered for, or placed in, intervention in those Member States, grains which, after elimination of all other matter referred to in this Annex, pass through sieves with apertures of 2,0 mm.

'Shrivelled grains' does not apply to maize or sorghum.

(b) *Other cereals*

For durum wheat, common wheat and barley, the definition of 'other cereals' is that contained in standard EN 15587.

For maize and sorghum, 'other cereals' means all grains of cultivated cereals which do not belong to the species of grain sampled.

(c) *Grains damaged by pests*

For durum wheat, common wheat and barley, the definition of 'grains damaged by pests' is that contained in standard EN 15587.

For maize and sorghum, 'grains damaged by pests' means all grains showing a visible deterioration attributable to attack by insects, rodents, mites or other grain pests.

(d) *Grains in which the germ is discoloured*

For durum wheat and common wheat, the definition is that contained in standard EN 15587.

'Grains in which the germ is discoloured' does apply to barley, maize or sorghum.

(e) *Grains overheated during drying*

For durum wheat, common wheat and barley, the definition of 'grains overheated during drying' is that contained in standard EN 15587.

For maize and sorghum, 'grains overheated during drying' are those which show external signs of scorching but which are not damaged grains.

(f) *Mottled grains*

For durum wheat, the definition of 'mottled grains' is that contained in standard EN 15587.

'Mottled grains' does not apply to common wheat, barley, maize or sorghum.

1.3. **Sprouted grains**

For durum wheat, common wheat and barley, the definition of 'sprouted grains' is that contained in standard EN 15587.

For maize and sorghum, 'sprouted grains' are those in which the radicle or plumule is clearly visible to the naked eye. However, account must be taken of the general appearance of the sample when its content of sprouted grains is assessed. Sprouted grains are only those where the germ has undergone clearly visible changes which make it easy to distinguish the sprouted grain from the normal grain.

1.4. **Miscellaneous impurities**

(a) *Extraneous seeds*

For durum wheat, common wheat and barley, the definition of 'extraneous seeds' is that contained in standard EN 15587.

For maize and sorghum, 'extraneous seeds' are seeds of plants, whether or not cultivated, other than cereals. They include seeds not worth recovering, seeds which can be used for livestock but which are not cereals, and noxious seeds.

'Noxious seeds' means seeds which are toxic to humans and animals, seeds hampering or complicating the cleaning and milling of cereals and seeds affecting the quality of products processed from cereals.

(b) *Damaged grains*

For durum wheat, common wheat and barley, the definition of 'damaged grains' is that contained in standard EN 15587.

For maize and sorghum, 'damaged grains' means grains which have become unusable for livestock feed on account of putrefaction, mildew (including fusariosis), or bacterial or other causes.

'Damaged grains' also includes grains damaged by spontaneous heat generation or too extreme heating during drying; such grains are fully-grown grains in which the tegument is coloured greyish brown to black, while the cross-section of the kernel is coloured yellowish-grey to brownish-black.

In standard EN 15587, for durum wheat, common wheat and barley, the definition of 'grains affected by fusariosis' is included in that of 'damaged grains'.

(c) *Extraneous matter*

For durum wheat, common wheat and barley, the definition of 'extraneous matter' is that contained in standard EN 15587.

For maize and sorghum, all matter in a sample which passes through a sieve with apertures of 1 mm, with the exception of live and dead insects, is considered to be extraneous matter.
(d)*Husks (cob fragments in the case of maize).*

. . . . . .
(e)*Ergots*

. . . . . .

(f) *Decayed grains*

For durum wheat and common wheat, the definition of 'decayed grains' is that contained in standard EN 15587.

'Decayed grains' does not apply to barley, maize or sorghum.
(g)*Impurities of animal origin.*

. . . . . .
1.5.**Live pests**

. . . . . .

1.6. **Mitadiné grains**

Mitadiné grains of durum wheat are grains whose kernels cannot be regarded as entirely vitreous. They are also defined in standard EN 15585.

2. SPECIFIC FACTORS TO TAKE INTO CONSIDERATION FOR EACH TYPE OF CEREAL FOR THE DEFINITION OF IMPURITIES

2.1. **Durum wheat**

‘Grain impurities’ means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured, mottled grains and grains overheated during drying.

‘Miscellaneous impurities’ means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks, ergot, decayed grains and impurities of animal origin.

2.2. **Common wheat**

‘Grain impurities’ means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured (only where the content exceeds 8 %) and grains overheated during drying.

‘Miscellaneous impurities’ means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks, ergot, decayed grains and impurities of animal origin.

2.3. **Barley**

‘Grain impurities’ means shrivelled grains, grains of other cereals, grains damaged by pests and grains overheated during drying.

‘Miscellaneous impurities’ means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks and impurities of animal origin.

2.4. **Maize**

‘Grain impurities’ means grains of other cereals, grains damaged by pests and grains overheated during drying.

‘Miscellaneous impurities’ means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, cob fragments and impurities of animal origin.

2.5. **Sorghum**

‘Grain impurities’ means grains of other cereals, grains damaged by pests and grains overheated during drying.

‘Miscellaneous impurities’ means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks and impurities of animal origin.**]**

[[F1]PART IV

Methods used for determining the quality of cereals offered for, or placed in, intervention

Pursuant to Article 7, the following methods are to be used to determine the quality of cereals offered for, or placed in, intervention:**]**

(a) **[**[F1]the reference method for determining matter other than basic cereals of unimpaired quality:

— for common wheat, durum wheat and barley: standard EN 15587,

— for maize and sorghum: the method set out in Part V of this Annex;**]**

(b) **[**[F1]the reference method for determining the moisture content:

— for maize: standard EN ISO 6540,

— for cereals other than maize: standard EN ISO 712, or

— an infrared technology-based method.

In the event of a dispute, only the results of standard EN ISO 6540 for maize and EN ISO 712 for cereals other than maize are to considered valid;

(c) the reference method for determining the tannin content of sorghum: standard ISO 9648;

(d) the reference method for determining the non-stickiness and machinability of the dough obtained from common wheat: that set out in Part VII of this Annex;

(e) the reference method for determining the protein content in durum wheat and ground common wheat: that set out in:

— standard EN ISO 20483, or

— standard CEN ISO/TS 16634-2.

In the event of a dispute, only the results obtained from applying standard EN ISO 20483 are to be considered valid;

(f) the reference method for determining the Zeleny index of ground common wheat: that set out in standard EN ISO 5529;

(g) the reference method for determining the Hagberg falling number (amylase activity test): that set out in standard EN ISO 3093;

(h) the reference method for determining the rate of loss of the vitreous aspect of durum wheat: that set out in standard EN 15585;

(i) the reference method for determining the specific weight: that set out in standard EN ISO 7971/3;

(j) the sampling and analysis methods for establishing the rate of mycotoxins: those referred to in the Annex to Regulation (EC) No 1881/2006 and set out in Annexes I and II to Commission Regulation (EC)[(3)] No 401/2006**]**

[[F1]PART V

Reference method for determining matter other than basic cereals of unimpaired quality in the case of maize and sorghum

1. Shake an average sample of 500 g in the case of maize and 250 g in the case of sorghum for half a minute in a sieve which has slotted perforations of 1,0 mm. Check for live pests and dead insects in the fraction passed through the sieve.

Using tweezers or a spatula, extract from the matter retained by the sieve with slotted perforations of 1,0 mm stones, sand, fragments of cob or straw and other extraneous matter.

Add the extraneous matter thus extracted to the matter which has passed through the sieve with slotted perforations of 1,0 mm and weigh them together.

Using a separator, separate the fraction retained by the sieve with slotted perforations of 1,0 mm to obtain a subsample of 100 to 200 g in the case of maize or 25 to 50 g in the case of sorghum. Weigh this subsample. Spread it out in a thin layer on a table. Using tweezers or a

spatula, extract the other cereals, grains damaged by pests, grains overheated during drying, sprouted grains, extraneous seeds, damaged grains, husks and impurities of animal origin. In the case of sorghum, grains still attached to the husk must be separated from the husk, the latter constituting miscellaneous impurities. Then assess the state of the grain.

Sieve the subsample from which all impurities have been removed for 30 seconds in a sieve with circular mesh 4,5 mm in diameter in the case of maize and 1,8 mm in diameter in the case of sorghum. The matter which passes through this sieve is to be considered as broken grains.

2. Groups of matter other than basic cereals of unimpaired quality, determined according to the method referred to in point 1 must be weighed very carefully to the nearest 0,01 g and distributed according to percentage over the average sample. The particulars should be entered in the analysis report to the nearest 0,1 %. Indicate the presence of live pests.

As a general rule, two analyses must be made for each sample. They must not differ by more than 10 % in respect of the total of the abovementioned matter.

3. The apparatus to be used for the operations referred to in points 1 and 2 is as follows:

(a) sample separator, for example a conical or riffle apparatus;

(b) precision balance capable of weighing to an accuracy of 0,01 g (i.e. with a display precision of 0,001 g);

(c) sieves with slotted perforations of 1,0 mm and sieves with a circular mesh 1,8 mm and 4,5 mm in diameter. The sieves may be fitted to a vibrating table. Sieves must conform to standard ISO 5223.**]**

[F3]PART VI

[F3]Standard method of testing for moisture content]

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Textual Amendments

F3 Deleted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

PART VII

Method for determining the non-stickiness and machinability of the dough obtained from common wheat

1. Title

Method for test baking of wheat flour.

2. Scope

The method is applicable to flour, experimentally milled from wheat for the production of yeast-raised bread.

3. Principle

Dough is made from flour, water, yeast, salt and sucrose, in a specified mixer. After dividing and rounding, the pieces are given 30 minutes' rest; they are moulded, placed on baking sheets and baked after a final proof of fixed duration. Dough-handling properties are noted. The loaves are judged by volume and height.

4. Ingredients

4.1. Yeast

Active dry yeast of type *Saccharomyces cerevisiae* DHW-Hamburg-Wansbeck or a product having the same characteristics.

4.2. *Tap water*

4.3. Sugar-salt-ascorbic acid solution

Dissolve 30 ± 0,5 g of sodium chloride (commercial grade), 30 ± 0,5 g of sucrose (commercial grade), and 0,04 ± 0,001 g ascorbic acid in 800 ± 5 g of water. Prepare fresh daily.

4.4. Sugar solution

Dissolve 5 ± 0,1 g sucrose (commercial grade) in 95 ± 1 g of water. Prepare fresh daily.

4.5. Enzyme active malt flour

Commercial grade.

5. Equipment and apparatus

5.1. Baking room

Controlled to maintain a temperature of 22 to 25 ^{o}C.

5.2. Refrigerator

For maintaining a temperature of 4 ± 2 ^{o}C.

5.3. Balance

Maximum load 2 kg, accuracy 2 g.

5.4. Balance

Maximum load 0,5 kg, accuracy 0,1 g.

5.5. Analytical balance

Accuracy 0,1 × 10^{-3} g.

5.6. Mixer

Stephan UMTA 10, with mixing arm model 'Detmold' (Stephan Soehne GmbH) or similar equipment having the same characteristics.

5.7. Proving cabinet

Controlled to maintain a temperature of 30 ± 1 ^{o}C.

5.8. Open plastic boxes

Made from polymethylmethacrylate (Plexiglas, Perspex). Inside dimensions: 25 × 25 × 15 cm height, wall thickness 0,5 ± 0,05 cm.

5.9. Square plastic sheets

Made from polymethylmethacrylate (Plexiglas, Perspex). At least 30 × 30 cm, thickness 0,5 ± 0,05 cm.

5.10. Moulder

Brabender ball homogeniser (Brabender OHG) or similar equipment having the same characteristics.

6. Sampling

According to ICC Standard No 101.

7. Procedure

7.1. Determination of water uptake

Determine the water absorption according to ICC Standard No 115/1.

7.2. Determination of malt flour addition

Determine the ‘falling number’ of the flour according to ISO 3093-1982. If the ‘falling number’ is higher than 250, determine the malt flour addition required to bring it within the range 200 to 250, using a series of mixtures of the flour with increasing quantities of malt flour (4.5). If the ‘falling number’ is lower than 250, no malt flour is required.

7.3. Reactivation of active dry yeast

Adjust the temperature of the sugar solution (4.4) to 35 ± 1 ^{o}C. Pour one part by weight of the active dry yeast into four parts by weight of this tempered sugar solution. Do not stir. Swirl if necessary.

Allow to stand for 10 ± 1 minute, then stir until a homogeneous suspension is obtained. Use this suspension within 10 minutes.

7.4. Temperature adjustment of the flour and the dough liquid

The temperature of the flour and the water must be adjusted to give a dough temperature of 27 ± 1 ^{o}C after mixing.

7.5. Dough composition

Weigh, with a precision of 2 g, 10 y/3 g flour on as-is moisture basis (corresponding to 1 kg flour on a 14 % moisture basis), in which ‘y’ is the quantity of flour used in the farinograph test (see ICC Standard No 115/1).

Weigh, with a precision of 0,2 g, the quantity of malt flour necessary to bring the ‘falling number’ within the range 200 to 250 (7.2).

Weigh 430 ± 5 g sugar-salt-ascorbic acid solution (4.3) and add water to a total mass of (x - 9) 10 y/3 g, (see 10.2) in which ‘x’ is the quantity of water used in the farinograph test (see ICC Standard No 115/1). This total mass (usually between 450 and 650 g) must be achieved with a precision of 1,5 g.

Weigh 90 ± 1 g yeast suspension (7.3).

Note the total mass of the dough (P), which is the sum of the masses of flour, sugar-salt-ascorbic acid solution plus water, yeast suspension and malt flour.

7.6. Mixing

Before starting, bring the mixer to a temperature of 27 ± 1 ^{o}C by use of a suitable quantity of tempered water.

Place the liquid dough ingredients in the mixer and place the flour plus malt flour on top.

Start the mixer (speed 1, 1 400 rev/min), and allow to run for 60 seconds. Twenty seconds after the start of mixing, turn the scraper attached to the lid of the mixing bowl two revolutions.

Measure the temperature of the dough. If it is outside the range 26 to 28 ^{o}C, discard the dough and mix a new one after adjustment of ingredient temperatures.

Note dough properties using one of the following terms:

— non-sticky and machinable, or

— sticky and non-machinable.

To be considered ‘non-sticky and machinable’ at the end of mixing, the dough should form a coherent mass which hardly adheres to the sides of the bowl and spindle of the mixer. It should be possible to collect the dough by hand and remove it from the mixing bowl in a single motion without noticeable loss.

7.7. Dividing and rounding

Weigh, with precision of 2 g, three pieces of dough according to the formula:

p = 0,25 P, where:
p = mass of scaled dough piece,
P = total mass of dough.

Immediately round the pieces for 15 seconds in the moulder (5.10) and place them for 30 ± 2 minutes on the square plastic sheets (5.9), covered by the inverted plastic boxes (5.8) in the proving cabinet (5.7).

Do not use dusting flour.

7.8. Moulding

Bring the pieces of dough on the plastic sheets, covered by the inverted boxes, to the moulder (5.10), and re-round each piece for 15 seconds. Do not remove cover from a piece of dough until immediately before rounding. Note dough properties again, using one of the following terms:

— non-sticky and machinable, or

— sticky and non-machinable.

To be considered as ‘non-sticky and machinable’ the dough should adhere hardly, or not at all, to the sides of the chamber so that it can freely rotate around itself and form a regular ball during the operation of the machine. At the end of the operation the dough should not stick to the sides of the dough-moulding chamber when the lid of the chamber is raised.

8. Test report

The test report should mention:

— dough-handling properties at the end of mixing, and at moulding,

— the 'falling number' of the flour without addition of malt flour,
— any anomalies observed.

It should further include:
— the method used,
— all details required for the identification of the sample.

9. General remarks

9.1. The formula for the calculation of the quantity of dough liquid is based on the following considerations:

Addition of x ml water to the equivalent of 300 g flour at 14 % moisture produces the required consistency. As in the baking test 1 kg of flour (14 % moisture basis) is used, whereas x is based on 300 g of flour, for the baking test x divided by three and multiplied by 10 g of water is needed, so 10 x/3 g.

The 430 g sugar-salt-ascorbic acid solution contains 15 g salt and 15 g sugar. This 430 g solution is included in the dough liquid. So to add 10 x/3 g water to the dough, (10 x/3 + 30) g dough liquid composed of the 430 g sugar-salt-ascorbic acid solution and an additional quantity of water must be added.

Although part of the water added with the yeast suspension is absorbed by the yeast, this suspension also contains 'free' water. It is arbitrarily supposed that 90 g yeast suspension contains 60 g 'free' water. The quantity of the dough liquid must be corrected for this 60 g of 'free' water in the yeast suspension, so 10 x/3 plus 30 minus 60 g must finally be added. This can be rearranged as follows: (10 x/3 + 30) - 60 = 10 x/3 - 30 = (x/3 - 3) 10 = (x - 9) 10/3, the formula given in 7.5. If, for example, a water addition x in the farinograph test was found of 165 ml, this value must be substituted in this formula, so to the 430 g sugar-salt-ascorbic acid solution water must be added to a total mass of:

(165 - 9) 10/3 = 156 × 10/3 = 520 g.

9.2. The method is not directly applicable to wheat. The procedure to be followed for characterising the baking properties of wheat is as follows:

Clean the wheat sample, and determine the moisture content of the cleaned wheat. If the moisture content is within the range 15,0 % to 16,0 %, do not temper the wheat. If the moisture content is outside this range, adjust the moisture content to 15,5 ± 0,5 %, at least three hours prior to milling.

Mill the wheat into flour using a Buehler laboratory mill MLU 202 or a Brabender Quadrumat Senior mill or similar equipment having the same characteristics.

Choose a milling procedure that yields a flour of minimum 72 % extraction, with an ash content of 0,5 to 0,6 % on dry matter basis.

Determine the ash content of the flour according to Annex II to Commission Regulation (EC) No 1501/95 and the moisture content according to this Regulation. Calculate the extraction rate by the equation:

$E = (((100 - f) F)/(100 - w) W) \times 100\ \%$

where:

E = extraction rate,
f = moisture of the flour,

w = moisture content of the wheat,
F = mass of flour produced with moisture content f,
W = mass of wheat milled with moisture content w.

Note : Information concerning the ingredients and equipment to be used is published in Document T/77,300 of 31 March 1977 from the Instituut voor Graan, Meel en Brood, TNO — Postbus 15, Wageningen, Netherlands.

[F3]PART VIII

[F3]Determination of the rate of loss of vitreous aspect]

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PART IX

Price increases and reductions

TABLE I

Price increases for moisture content

Maize and sorghum		**Other cereals**	
Moisture content(%)	**Increases(EUR/ tonne)**	**Moisture content(%)**	**Increases(EUR/ tonne)**
—	—	13,4	0,1
—	—	13,3	0,2
—	—	13,2	0,3
—	—	13,1	0,4
—	—	13,0	0,5
—	—	12,9	0,6
—	—	12,8	0,7
—	—	12,7	0,8
—	—	12,6	0,9
—	—	12,5	1,0
12,4	0,1	12,4	1,1
12,3	0,2	12,3	1,2
12,2	0,3	12,2	1,3
12,1	0,4	12,1	1,4
12,0	0,5	12,0	1,5
11,9	0,6	11,9	1,6
11,8	0,7	11,8	1,7

11,7	0,8	11,7	1,8
11,6	0,9	11,6	1,9
11,5	1,0	11,5	2,0
11,4	1,1	11,4	2,1
11,3	1,2	11,3	2,2
11,2	1,3	11,2	2,3
11,1	1,4	11,1	2,4
11,0	1,5	11,0	2,5
10,9	1,6	10,9	2,6
10,8	1,7	10,8	2,7
10,7	1,8	10,7	2,8
10,6	1,9	10,6	2,9
10,5	2,0	10,5	3,0
10,4	2,1	10,4	3,1
10,3	2,2	10,3	3,2
10,2	2,3	10,2	3,3
10,1	2,4	10,1	3,4
10,0	2,5	10,0	3,5

TABLE II

Price reductions for moisture content

Maize and sorghum		**Other cereals**	
Moisture content(%)	**Reduction(EUR/ tonne)**	**Moisture content(%)**	**Reduction(EUR/ tonne)**
13,5	1,0	14,5	1,0
13,4	0,8	14,4	0,8
13,3	0,6	14,3	0,6
13,2	0,4	14,2	0,4
13,1	0,2	14,1	0,2

TABLE III

Price reductions for specific weight

Cereal	**Specific weight(kg/hl)**	**Price reduction(EUR/ tonne)**
Common wheat	Less than 76 to 75	0,5
	Less than 75 to 74	1,0

	Less than 74 to 73	1,5
Barley	Less than 64 to 62	1,0

TABLE IV

Price reductions for protein content

Protein content[a](N × 5,7)	**Price reduction(EUR/tonne)**
Less than 11,5 to 11,0	2,5
Less than 11,0 to 10,5	5

a As % of dry matter.

PART X

Practical method for determining the reduction to be applied to the price of sorghum by intervention agencies

1. Basic data

P = the percentage of tannin in raw product,
0,4 % = the percentage of tannin above to which the reduction is to be applied,
11 %[(4)] = the reduction corresponding to 1 % tannin in the dry matter.

[[X1]2. **Calculation of the reduction**

The reduction, expressed in euro to be applied to the reference price, shall be calculated in accordance with the following formula:

11 (P – 0,40).**]**

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (Official Journal of the European Union L 349 of 29 December 2009).

PART XI

Calculation of prices increases and reductions

The price increases and reductions provided for in Article 38 shall be expressed in euro per tonne and apply to the intervention price for cereals offered for intervention by multiplying it by the sum of the established percentage increases or reductions, as follows:

(a) where the moisture content of cereals offered for intervention is less than 13 % for maize and sorghum and 14 % for other cereals, the price increases to be applied shall be those listed in Table I of Part IX of this Annex. Where the moisture content of these cereals offered for intervention is higher than 13 % and 14 % respectively, the price reductions to be applied shall be those listed in Table II of Part IX of this Annex;

(b) where the specific weight of cereals offered for intervention differs from the weight/volume ratio of 76 kg/hl for common wheat, and 64 kg/hl for barley, the reductions to be applied shall be those listed in Table III of Part IX of this Annex;

(c) where the percentage of broken grains exceeds 3 % for durum wheat, common wheat and barley, and 4 % for maize and sorghum, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;

(d) where the percentage of grain impurities exceeds 2 % for durum wheat, 4 % for maize and sorghum, and 5 % for common wheat and barley, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;

(e) where the percentage of sprouted grains exceeds 2,5 %, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;

(f) where the percentage of miscellaneous impurities (*Schwarzbesatz*) exceeds 0,5 % for durum wheat and 1 % for common wheat, barley, maize and sorghum, a reduction of EUR 0,1 shall be applied for each additional 0,1 percentage point;

(g) where the percentage of piebald grains in durum wheat exceeds 20 %, a reduction of EUR 0,2 shall be applied for each additional percentage point or fraction thereof;

(h) where the protein content of common wheat is less than 11,5 %, the reductions to be applied shall be those listed in Table IV of Part IX of this Annex;

(i) where the tannin content of sorghum offered for intervention is higher than 0,4 % of the dry matter, the reduction to be applied shall be calculated in accordance with the method laid down in Part X of this Annex.

PART XII

Methodology of sampling and analyses for cereals

1. For each lot of cereals, the quality characteristics shall be established on the basis of a representative sample of the lot offered, consisting of samples taken at the rate of once every delivery for at least every 60 tonnes.

2. The intervention agency shall analyse under its responsibility the characteristics of the samples taken within 20 working days from the date on which the representative sample was taken.

[[F1]3. The reference methods to be used for determining the quality of cereals offered for, or placed in, intervention are those set out in Parts III, IV, V and VII of this Annex.**]**

4. The results of the analyses are communicated to the tenderer or offerer by means of the takeover record referred to in Article 34.

5. In cases of dispute, the intervention agency shall have the necessary tests on the cereals in question carried out again.

ANNEX II

RICE

PART I

Eligibility criteria for paddy rice

The requirements referred to in Article 7(1) as regards rice shall be, in particular, the following:

(a) the paddy rice is free of odour and does not contain live insects;

(b) the moisture content does not exceed 14,5 %;

(c) the milling yield is not more than five points below the basic yields listed in Part III to this Annex;

(d) the percentage of miscellaneous impurities, the percentage of rice grains of other varieties and the percentage of grains which do not comply with the standard quality as defined in Annex IV to Regulation (EC) No 1234/2007, do not exceed the maximum percentages set out in Part IV of this Annex, by type of rice;

(e) the level of radioactivity does not exceed the maximum levels permitted by Community legislation.

For the purposes of this Annex, ‘miscellaneous impurities’ means foreign matter other than rice.

PART II

Prices increases and reductions

1. The price increases and reductions provided for in Article 38 shall be expressed in euro per tonne and apply to the intervention price for paddy rice offered for intervention by multiplying it by the sum of the established percentage increases or reductions, as follows:

(a) where the moisture content of the paddy rice exceeds 13 %, the percentage reduction in its intervention price shall be equal to the difference between the percentage moisture content of the paddy rice offered for intervention, measured to one decimal place, and 13 %;

(b) where the milling yield of the rice differs from the basic milling yield for the variety concerned as set out in Part III(1) of this Annex, the price increases and reductions to be applied to each rice variety shall be as shown in Part III(2) of this Annex;

(c) where the defects in the grains of paddy rice exceed the permitted tolerances for the standard quality of paddy rice, the percentage reduction to be applied to the intervention price shall be as set out in Part V to this Annex, by type of rice;

(d) where the percentage of miscellaneous impurities in the paddy rice exceeds 0,1 %, it shall be bought in with a reduction in the intervention price of 0,02 % for each additional 0,01 % difference;

(e) where a lot of paddy rice is offered for intervention for a particular variety but includes grains of other varieties exceeding 3 %, the lot shall be bought in with a 0,1 % reduction in the intervention price for each additional 0,1 % difference.

2. The price increases and reductions referred to in point 1 shall apply on the basis of the weighted average of the test results on the representative samples as defined in Part VI of this Annex.

PART III

Criteria for milling yield

1. Basic milling yield

Description of variety	Whole-grain yield(%)	Overall yield(%)
Argo, Selenio, Couachi	66	73
Alpe, Arco, Balilla, Balilla Sollana, Bomba, Elio, Flipper, Lido, Sara, Thainato, Thaiperla, Veta, Guadiamar	65	73
Ispaniki A, Makedonia	64	73
Bravo, Europa, Loto, Riva, Rosa Marchetti, Savio, Veneria	63	72
Ariete, Bahia, Carola, Cigalon, Cripto, Drago, Eolo, Gladio, Graldo, Koral, Mercurio, Niva, Onda, Padano, Panda, Ribe, S. Andrea, Saturno, Senia, Smeraldo, Dion, Zeus	62	72
Strymonas	62	71
Baldo, Redi, Roma, Tebre, Volano	61	72
Thaibonnet, Puntal	60	72
Evropi	60	70
Arborio, Rea	58	72
Carnaroli, Elba, Vialone Nano	57	72
Axios	57	67
Roxani	57	66
Unnamed varieties	64	72

2. Price increases and reductions relating to milling yield

Yield of whole-grain milled paddy rice	Price increases and reductions per yield point
Above the basic yield	0,75 % increase
Below the basic yield	1 % reduction
Overall yield of milled paddy rice	Price increases and reductions per yield point
Above the basic yield	0,6 % increase
Below the basic yield	0,8 % reduction

PART IV

Maximum percentages

Grain defects	**Round-grain riceCN code 1006 10 92**	**Medium and long-grain ACN codes 1006 10 94 and 1006 10 96**	**Long-grain BCN code 1006 10 98**
Chalky grains	6	4	4
Grains striated with red	10	5	5
Spotted and stained grains	4	2,75	2,75
Amber grains	1	0,5	0,5
Yellow grains	0,175	0,175	0,175
Miscellaneous impurities	1	1	1
Rice grains of other varieties	5	5	5

PART V

Price reductions for defective grains

	Percentage of defective grains resulting in a reduction in the intervention price			**Percentage reduction[a] applicable to the additional discrepancy beyond the lower limit**
Grain defects	**Round-grain riceCN code 1006 10 92**	**Medium and long-grain ACN codes 1006 10 94 and 1006 10 96**	**Long-grain BCN code 1006 10 98**	
Chalky grains	from 2 % to 6 %	from 2 % to 4 %	from 1,5 % to 4 %	1 % for each additional 0,5 % discrepancy

a Each discrepancy is calculated from the percentage of defective grains, to the second decimal place.

Grains striated with red	from 1 % to 10 %	from 1 % to 5 %	from 1 % to 5 %	1 % for each additional 1 % discrepancy
Spotted and stained grains	from 0,5 % to 4 %	from 0,5 % to 2,75 %	from 0,5 % to 2,75 %	0,8 % for each additional 0,25 % discrepancy
Amber grains	from 0,05 % to 1 %	from 0,05 % to 0,5 %	from 0,05 % to 0,5 %	1,25 % for each additional 0,25 % discrepancy
Yellow grains	from 0,02 % to 0,175 %	from 0,02 % to 0,175 %	from 0,02 % to 0,175 %	6 % for each additional 0,125 % discrepancy

a Each discrepancy is calculated from the percentage of defective grains, to the second decimal place.

PART VI

Methodology of sampling and analyses for paddy rice

1. With a view to verifying the quality requirements as laid down in Part I of this Annex, samples shall be taken by the intervention agency in the presence of the offerer or tenderer or his/her duly authorised agent.

Three representative samples, each weighing a minimum of one kilogram, shall be collected. One each shall go to:

(a) the offerer or tenderer;

(b) the storage place where takeover is to take place;

(c) the intervention agency.

To make up the representative samples, the number of individual samples to be taken shall be obtained by dividing the quantity of the lot on offer by 10 tonnes. Each individual sample shall weigh the same. The representative samples shall be made up of the sum of the individual samples, divided by three.

The quality requirements shall be verified using the representative sample intended for the store where takeover is to take place.

2. Representative samples shall be taken of each part-delivery (by lorry, barge, railway wagon) under the conditions laid down in point 1.

Before its entry into the intervention store the examination of each part delivery can be restricted to a check of the moisture content and impurity level and verification that no live insects are present. However, if it later becomes apparent when the check is finalised that a part-delivery does not satisfy the minimum quality requirements, the concerned quantity shall be refused for takeover. If the intervention agency in a Member State is able to check all the minimum quality requirements for each part-delivery before it enters the store, it shall refuse takeover of any part-delivery that fails to satisfy these requirements.

3. The control of the radioactivity level is performed only if the situation so requires and for a limited period.

4. The results of the analyses are communicated to the offerer or tenderer by means of the takeover record referred to in Article 34.

5. In cases of dispute, the intervention agency shall have the necessary tests on the cereals in question carried out again, the cost being met by the losing party.

A new analysis is performed by a laboratory recognised by the intervention agency on the basis of a new representative sample made up, in equal parts, by samples preserved by the offerer or tenderer and by the intervention agency. In cases where there were part deliveries of the lot offered, the result is given by the weighted average of the results of analyses of new representative samples taken for each of the partial deliveries.

ANNEX III

BEEF

PART I

Eligibility criteria for beef

1. The products listed in Part V of this Annex and falling within the following categories defined in point II of Annex V(A) to Regulation (EC) No 1234/2007 may be bought in:

(a) meat of uncastrated young male animals of less than two years of age (category A);

(b) meat of castrated male animals (category C).

2. Carcases and half-carcases may be bought in only where they:

(a) have obtained the health mark referred to in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council[(5)];

(b) have no characteristics rendering the products derived from them unfit for storage or subsequent use;

(c) do not come from animals slaughtered as a result of emergency measures;

(d) originate in the Community within the meaning of Article 39 of Commission Regulation (EEC) No 2454/93[(6)];

(e) are derived from animals raised in accordance with the prevailing veterinary requirements;

(f) do not exceed the maximum radioactivity levels permitted under Community Regulations.;

(g) come from carcases weighing not more than 340 kg.

The control of radioactivity level is performed only if the situation so requires and for a limited period.

3. Carcases and half-carcases may be bought in only where they are:

(a) **[**[X1]presented, where appropriate after cutting into quarters at the expense of the party concerned, in accordance with Part VI of this Annex.**]** In particular, parts of the carcase must be inspected to assess compliance with the requirements of point 2 of that part. The failure to comply with any of those requirements shall result in rejection; where a quarter is rejected for failure to comply with such conditions of presentation and in particular where unsatisfactory presentation cannot be improved during the acceptance procedure, the other quarter of the same half-carcase shall also be rejected;

(b) classified in accordance with the Community scale provided for in Article 42(1)(a) of Regulation (EC) No 1234/2007. The intervention agencies shall reject any products which they do not deem to be classified in conformity with that scale after conducting a detailed inspection of all parts of the carcase;

(c) identified, first, by markings indicating the category, the conformation class and the degree of fat cover and, secondly, by an identification or slaughter number. Markings indicating the category, conformation class and fat cover must be perfectly legible and shall be stamped using non-toxic, fast, indelible ink in accordance with a procedure approved by the competent national authorities. The letters and figures must be at least 2 cm high. The markings shall be applied to the striploin at the level of the fourth lumbar vertebra on hindquarters and approximately 10 to 30 cm from the cut edge of the sternum on forequarters. The identification or slaughter number shall be marked in the middle of the inner side of each quarter using a stamp or indelible marker authorised by the intervention agency;

(d) labelled in accordance with the system introduced by Regulation (EC) No 1760/2000 of the European Parliament and of the Council[(7)].

PART II

Conversion coefficients

Qualities	Coefficient
U2	1,058
U3	1,044
U4	1,015
R2	1,015
R3	1,0
R4	0,971
O2	0,956
O3	0,942
O4	0,914

PART III

Conditions and controls for taking over

1. Products shall be delivered in consignments of a quantity between 10 and 20 tonnes. However, the quantity may be below 10 tonnes only if it is the final balance of the original offer or if the original offer has been scaled back below 10 tonnes.

Products delivered shall be accepted and taken over subject to verification by the intervention agency that they comply with the requirements laid down in this Regulation. Compliance with the requirements laid down in Part I(2)(e) of this Annex and in particular the absence of substances prohibited under Article 3 and Article 4(1) of Council Directive 96/22/EC[(8)] shall be verified by analysis of a sample, the size and sampling of which is laid down in the relevant veterinary legislation.

2. Where no preliminary inspection is conducted immediately before loading at the slaughterhouse loading bay and prior to transport to the intervention store, half-carcases shall be identified as follows:

(a) where they are simply marked, the markings must comply with Part I(3)(c) of this Annex, and a document specifying the identification or slaughter number and the slaughter date relating to the half-carcase shall be completed;

(b) where they are labelled in addition, the labels must comply with Article 6(4), (5) and (6) of Regulation (EC) No 1249/2008.

Where half-carcases are cut into quarters, the quartering shall be carried out in accordance with Part VI of this Annex. With a view to acceptance, quarters shall be grouped by carcase or half-carcase at the time of takeover. Where half-carcases are not cut into quarters prior to transport to the intervention store, they shall be cut in accordance with Part VI of this Annex on their arrival.

At the point of acceptance, each quarter shall be identified by a label complying with Article 6(4), (5) and (6) of Regulation (EC) No 1249/2008. The labels shall also show the weight of the quarter and the contract number. The labels shall be affixed directly to shin/shank tendons on the forequarters and hindquarters or neckstrap tendon on the forequarter and hindquarter flank without using metal or plastic ties.

The acceptance procedure shall entail a systematic check of the presentation, classification, weight and labelling of each quarter delivered. The temperature of one hindquarter of each carcase shall also be checked. In particular no carcase shall be accepted where it exceeds the maximum weight laid down in Part I(2)(g) of this Annex.

3. A preliminary inspection may be conducted immediately before loading at the slaughterhouse loading bay and shall cover the weight, classification, presentation and temperature of half-carcases. In particular no carcase shall be accepted where it exceeds the maximum weight laid down in Part I(2)(g) of this Annex. Products rejected shall be marked as such and may not be presented again for preliminary inspection or acceptance.

Such inspections shall cover consignments of up to 20 tonnes of half-carcases as laid down by the intervention agency. However, where the offer involves quarters, the intervention agency may allow a consignment of more than 20 tonnes of half-carcases. Where more than 20 % of the total number of half-carcases in any consignment inspected is rejected, the whole consignment shall be rejected in accordance with point 6.

Before half-carcases are transported to the intervention store, they shall be cut into quarters in accordance with Part VI of this Annex. Each quarter shall be systematically weighed and identified by a label complying with Article 6(4), (5) and (6) of Regulation (EC) No 1249/2008. The labels shall also show the weight of the quarter and the contract number. The labels shall be affixed directly to shin/shank tendons on the forequarters and hindquarters or neckstrap tendon on the forequarter and hindquarter flank without using metal or plastic ties.

The quarters from each carcase shall then be grouped for the purposes of the acceptance procedure by carcase or half-carcase at the time of takeover.

A checklist giving all details of the half-carcases or quarters, including the number of half-carcases or quarters presented and either accepted or rejected, shall accompany each consignment up to the point of acceptance. The checklist shall be handed over to the accepting officer.

A seal shall be affixed to the means of transport before it leaves the slaughterhouse. The number of the seal shall be shown on the health certificate or checklist.

The acceptance procedure shall include checks of the presentation, classification, weight, labelling and temperature of the quarters delivered.

4. Preliminary inspection and acceptance of the products offered for intervention shall be carried out by an official of the intervention agency or a person authorised by the latter who is a qualified classifier, is not involved in classification at the slaughterhouse and is totally independent of the successful tenderer. Such independence shall be ensured in particular by the periodic rotation of such officials between intervention stores.

At the time of takeover, the total weight of the quarters in each consignment shall be recorded and the record kept by the intervention agency.

A document recording full details of the weight and the number of the products presented and either accepted or rejected must be completed by the accepting officer.

5. The requirements regarding identification, delivery and controls for the takeover of bone-in meat intended for boning in intervention stores which do not meet the requirements laid down in the second subparagraph of Article 3(5) shall include the following:

(a) at the time of takeover as referred to in paragraph 1, forequarters and hindquarters for boning must be identified by the letters ‘INT’ marked on both inner and outer sides in accordance with the same rules as those laid down in Part I(3)(c) of this Annex for marking the category and the slaughter number and the places where such markings are to be made; however, the letters ‘INT’ shall be marked on the inner side of each quarter at the level of the third or fourth rib of forequarters and of the seventh or eighth rib of hindquarters;

(b) the codfat must remain attached up to the time of takeover and must be removed before weighing;

(c) the products delivered shall be sorted into consignments as defined in point 1 of this part.

Where carcases or quarters marked ‘INT’ are found outside the areas reserved for them, the Member State shall conduct an enquiry, take suitable measures and inform the Commission thereof.

6. Where more than 20 % of a consignment presented is rejected, in terms of number of half-carcases or quarters presented, the whole consignment shall be rejected and all the products shall be marked as such and may not be presented again for preliminary inspection or acceptance.

PART IV

Boning

I. General conditions governing boning

1. Boning may only be carried out in cutting plants registered or approved in accordance with Article 4 of Regulation (EC) No 853/2004 and with one or more adjoining blast-freezers.

At the request of a Member State, the Commission may grant a derogation for a limited period from the obligations covered by the first subparagraph. When making its decision, the Commission shall take account of current developments in plant and equipment, health and control requirements and the objective of gradual harmonisation in this field.

2. Boned cuts must meet the conditions laid down in Regulation (EC) No 853/2004 and the requirements in Part VIII of this Annex, to the present Regulation.

3. Boning may not commence before takeover of the consignment concerned has been completed.

4. No other meat may be present in the cutting room when intervention beef is being boned, trimmed or packed. However, pigmeat may be present in the cutting room at the same time as beef, provided that it is processed on a separate production line.

5. All boning activities shall take place between 7 a.m. and 6 p.m.; boning shall not take place on Saturdays, Sundays or public holidays. Those hours may be extended by up to two hours, provided that the inspection authorities are present.

If boning cannot be completed on the day of takeover, seals shall be affixed by the intervention agencies to the refrigeration rooms where the products are stored and may only be broken by the same authorities when boning resumes.

II. Contracts and specifications

1. Boning shall be carried out under contract on terms laid down by the intervention agencies and in accordance with their specifications.

2. The specifications of the intervention agencies shall lay down the requirements to be met by cutting plants, shall specify the plant and equipment required and shall ensure that the Community rules on the preparation of cuts are adhered to.

They shall in particular lay down detailed conditions covering boning, specifying the method of preparation, trimming, packing, freezing and preservation of cuts with a view to their takeover by the intervention agency.

III. Monitoring of boning

1. The intervention agencies shall ensure that continuous physical monitoring is carried out of all boning operations.

Such monitoring may be delegated to bodies which are wholly independent of the traders, slaughterers and storers in question. In such cases, the intervention agencies shall ensure that their officials conduct an unannounced inspection of boning of meat covered by each bid. During such inspections, random checks shall be carried out of cartons of cuts before and after freezing and the quantities used shall be compared with the quantities produced on the one hand and with the bones, fat and trimmings on the other hand. Such checks shall cover at least 5 % of cartons filled during the day with a particular cut and, where there are sufficient cartons, a minimum of five cartons per cut.

2. Forequarters and hindquarters must be boned separately. In respect of each day of boning:

(a) a comparison shall be made of the numbers of cuts and of cartons filled;

(b) a form shall be completed showing separately the yields for boning of forequarters and of hindquarters.

IV. Special conditions governing boning

1. During boning, trimming and packing prior to freezing, the internal temperature of the beef must at no time rise above + 7 ^{o}C.

Cuts may not be transported before they have been blast-frozen, except under the derogations provided for in Section I, point 1 of this part.

2. All labels and foreign matter must be totally removed immediately prior to boning.

3. All bones, tendons, cartilage, neckstrap and backstrap (paddywack) (*ligamentum nuchae*) and coarse connective tissues must be cleanly removed. Trimming of cuts must be confined to the removal of fat, cartilage, tendons, joint capsules and other specified trim. All obvious nervous and lymphatic tissues must be removed.

4. Large blood vessels and clots and soiled areas must be removed carefully with as little trimming as possible.

V. Packing of cuts

1. Cuts shall be packed immediately after boning in such a way that no part of the meat comes into direct contact with the carton, in accordance with the requirements laid down in Part VIII to this Annex.

2. Polyethylene used to line cartons and polyethylene sheet or bags used to wrap cuts must be at least 0,05 mm thick and suitable for wrapping foodstuffs.

3. Cartons, pallets and cages used must meet the conditions laid down in Part IX of this Annex.

VI. Storage of cuts

The intervention agencies shall ensure that all boneless beef bought in is stored separately and is easily identifiable by invitation to tender, cut and month of storage.

Cuts obtained shall be stored in cold stores located in the territory of the Member State exercising jurisdiction over the intervention agency.

VII. Costs of boning

Contracts as referred to in Section II of this part and payments made thereunder shall cover the operations and costs resulting from the application of this Regulation, and in particular:

(a) the costs of any transport of bone-in products to the cutting plant after acceptance;

(b) boning, trimming, packing and blast-freezing;

(c) the storage, loading and carriage of frozen cuts and their takeover by the intervention agencies at the cold stores designated by them;

(d) the costs of materials, in particular for packaging;

(e) the value of any bones, fat and trimmings left at cutting plants by the intervention agencies.

VIII. Time limits

Boning, trimming and packaging must be completed within 10 calendar days of slaughter. However, the Member States may set shorter time limits.

Blast-freezing shall be carried out immediately after packing, commencing in any event on the same day; the quantity of meat boned may not exceed the daily capacity of the blast-freezers.

The internal temperature of boned meat shall be reduced to or below - 7 ^{o}C within 36 hours during blast-freezing.

IX. Rejection of products

1. Where the checks specified in Section III, point 1 to this part show breaches by the boning plant of points 1 to 8 to this part in respect of a particular cut, those checks shall be extended to cover a further 5 % of the cartons filled during the day in question. Where further breaches are discovered, additional samples amounting to 5 % of the total number of cartons of the relevant cut shall be checked. When, at the fourth 5 % check, at least 50 % of the cartons are found to be in breach of those articles, the whole day's production of that cut shall be checked. However, checking of the whole day's production shall not be required once at least 20 % of the cartons of a particular cut has been found to be in breach.

2. When, on the basis of point 1, less than 20 % of the cartons of a particular cut are found to be in breach, the entire contents of those cartons shall be rejected and no payment shall be made in respect of them. The boning plant shall pay the intervention agency an amount equal to the price shown in Part X of this Annex, for the cuts that have been rejected.

If at least 20 % of the cartons of a particular cut are found to be in breach, the whole day's production of that particular cut shall be rejected by the intervention agency and no payment shall be due. The boning plant shall pay the intervention agency an amount equal to the price shown in Part X of this Annex for the cuts that have been rejected.

If at least 20 % of the cartons of various cuts produced during the day are found to be in breach, the whole day's production shall be rejected by the intervention agency and no payment shall be due. The boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Articles 19(2), 27, 37 and 39 for the original bone-in products bought in and which, after boning, have been rejected, that price being increased by 20 %.

Where the third subparagraph is applicable, the first and second subparagraphs shall not apply.

3. By way of derogation from points 1 and 2, where as a result of serious negligence or fraud the boning plant fails to comply with Sections I, II, III, IV, V, VI, VII, VIII and IX of this part:

(a) all products obtained after boning during the day for which non-compliance with the above provisions is established shall be rejected by the intervention agency and no payment shall be due,

(b) the boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Articles 19(2), 27, 37 and 39 for the original bone-in products bought in and which, after boning, have been rejected in accordance with point (a), that price being increased by 20 %.

PART V

Classification of products

BELGIQUE/BELGIË

Carcasses, demi-carcasses: Hele dieren, halve dieren:
— Catégorie A, classe U2/
— Categorie A, klasse U2
— Catégorie A, classe U3/
— Categorie A, klasse U3
— Catégorie A, classe R2/
— Categorie A, klasse R2
— Catégorie A, classe R3/
— Categorie A, klasse R3

БЪЛГАРИЯ

Трупове, половинки трупове:
— категория А, клас R2
— категория А, клас R3

ČESKÁ REPUBLIKA

Jatečně upravená těla, půlky jatečně upravených těl:
— Kategorie A, třída R2
— Kategorie A, třída R3

DANMARK

Hele og halve kroppe:
— Kategori A, klasse R2
— Kategori A, klasse R3

DEUTSCHLAND

Ganze oder halbe Tierkörper:
— Kategorie A, Klasse U2
— Kategorie A, Klasse U3
— Kategorie A, Klasse R2
— Kategorie A, Klasse R3

EESTI

Rümbad, poolrümbad:
— Kategooria A, klass R2
— Kategooria A, klass R3

EIRE/IRELAND

Carcases, half-carcases:

— Category C, class U3
— Category C, class U4
— Category C, class R3
— Category C, class R4
— Category C, class O3

ΕΛΛΑΔΑ

Ολόκληρα ή μισά σφάγια:

— Κατηγορία Α, κλάση R2
— Κατηγορία Α, κλάση R3

ESPAÑA

Canales o semicanales:

— Categoría A, clase U2
— Categoría A, clase U3
— Categoría A, clase R2
— Categoría A, clase R3

FRANCE

Carcasses, demi-carcasses:

— Catégorie A, classe U2
— Catégorie A, classe U3
— Catégorie A, classe R2/
— Catégorie A, classe R3/
— Catégorie C, classe U2
— Catégorie C, classe U3
— Catégorie C, classe U4
— Catégorie C, classe R3
— Catégorie C, classe R4
— Catégorie C, classe O3

[[F4]HRVATSKA

Trupovi, polovice:

— Kategorija A, klasa U2
— Kategorija A, klasa U3
— Kategorija A, klasa R2
— Kategorija A, klasa R3**]**

ITALIA

Carcasse e mezzene:

— Categoria A, classe U2
— Categoria A, classe U3
— Categoria A, classe R2
— Categoria A, classe R3

ΚΥΠΡΟΣ

Ολόκληρα ή μισά σφάγια:
— Κατηγορία Α, κλάση R2
LATVIJA

Liemeņi, pusliemeņi:
— A kategorija, R2 klase
— A kategorija, R3 klase
LIETUVA

Skerdenos ir skerdenų pusės:
— A kategorija, R2 klasė
— A kategorija, R3 klasė
LUXEMBOURG

Carcasses, demi-carcasses:
— Catégorie A, classe U2
— Catégorie A, classe U3
— Catégorie A, classe R2
— Catégorie A, classe R3
MAGYARORSZÁG

Hasított test vagy hasított féltest:
— A kategória, R2 osztály
— A kategória, R3 osztály
MALTA

Karkassi u nofs karkassi:
— Kategorija A, klassi R3
NEDERLAND

Hele dieren, halve dieren:
— Categorie A, klasse R2
— Categorie A, klasse R3
ÖSTERREICH

Ganze oder halbe Tierkörper:
— Kategorie A, Klasse U2
— Kategorie A, Klasse U3
— Kategorie A, Klasse R2
— Kategorie A, Klasse R3
POLSKA

Tusze, półtusze:
— Kategoria A, klasa R2
— Kategoria A, klasa R3
PORTUGAL

Carcaças ou meias-carcaças
— Categoria A, classe U2
— Categoria A, classe U3

— Categoria A, classe R2
— Categoria A, classe R3

ROMÂNIA

Carcase, jumătăți de carcase
— categoria A, clasa R2
— categoria A, clasa R3

SLOVENIJA

Trupi, polovice trupov:
— Kategorija A, razred R2
— Kategorija A, razred R3

SLOVENSKO

Jatočné telá, jatočné polovičky:
— kategória A, akostná trieda R2
— kategória A, akostná trieda R3

SUOMI/FINLAND

Ruhot, puoliruhot/Slaktkroppar, halva slaktkroppar:
— Kategoria A, luokka R2/Kategori A, klass R2
— Kategoria A, luokka R3/Kategori A, klass R3

SVERIGE

Slaktkroppar, halva slaktkroppar:
— Kategori A, klass R2
— Kategori A, klass R3

UNITED KINGDOM

I. **Great Britain**

Carcases, half-carcases:
— Category C, class U3
— Category C, class U4
— Category C, class R3
— Category C, class R4

II. **Northern Ireland**

Carcases, half-carcases:
— Category C, class U3
— Category C, class U4
— Category C, class R3
— Category C, class R4
— Category C, class O3

Textual Amendments

F4 Inserted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy

and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

PART VI

Provisions applicable to carcases, half-carcases and quarters

1. Carcases and half-carcases, fresh or chilled (CN code 0201), of animals slaughtered not more than six days and not less than two days previously.

2. For the purposes of this Regulation, the following definitions apply:

(a) carcase: the whole body of the slaughtered animal hung from the slaughterhouse hook by the shank tendon after bleeding, evisceration and skinning, presented:
- without the head and without the feet; the head must be separated from the carcase at the atloido-occipital joint and the feet must be severed at the carpometacarpal or tarsometatarsal joints,
- without the organs contained in the thoracic and abdominal cavities, and without the kidneys, the kidney fat and the pelvic fat,
- without the sexual organs and the attached muscles,
- without the thin skirt and the thick skirt,
- without the tail and the first coccygeal vertebra,
- without the spinal cord,
- without the codfat and the adjacent flank fat,
- without the fascial linea alba of the abdominal muscle,
- without fat on the inside of topside,
- without the jugular vein and the adjacent fat, the neck being cut in accordance with veterinary requirements,
- without removal of the neck muscle, the brisket fat must not be more than 1 cm thick;

(b) half-carcase: the product obtained by separating the carcase as referred to in (a) symmetrically through the middle of the cervical, dorsal, lumbar and sacral vertebrae and through the middle of the sternum and the ischiopubic symphysis. During carcase processing, the dorsal and lumbar vertebrae must not be seriously dislocated; associated muscles and tendons must not show any serious damage from saws or knives;

(c) forequarters:
- cut from the carcase after cooling off,
- five-rib straight cut;

(d) hindquarters:
- cut from the carcase after cooling off,
- eight-rib straight cut.

3. Products as specified in points 1 and 2 must come from well-bled carcases, the animal having been properly flayed, the carcase surface in no way peeling, suffused or bruised; superficial fat must not be torn or removed to any significant degree. The pleura must be undamaged except in order to facilitate hanging of the forequarters.

Carcases must not be soiled by any source of contamination, in particular by faecal matter or significant bloodstain.

4. Products as specified in point 2(c) and (d) must come from carcases or half-carcases satisfying the requirements in point 2(a) and (b).

5. Products as specified in points 1 and 2 must be chilled immediately after slaughter for at least 48 hours so that the internal temperature at the end of the chilling period does not exceed + 7 ^{o}C. This temperature must be maintained until they are taken over.

PART VII

Coefficients referred to in Article 21(3)

Formula A

Coefficient n = (a/b)

Where:

a = the average of the average market prices recorded in the Member State or region thereof in question for the two or three weeks following that of the award decision,

b = the average market price recorded in the Member State or region thereof in question, as referred to in Article 21(1), applicable to the invitation to tender concerned.

Formula B

Coefficient n’ = (a’/b’)

Where:

a’ = the average of the purchase prices paid by the tenderer for animals of the same quality and category as those taken into account for the calculation of the average market price during the two or three weeks following that of the award decision,

b’ = the average of the purchase prices paid by the tenderer for animals taken into account for the calculation of the average market price during the two weeks used to determine the average market price applicable to the invitation to tender concerned.

PART VIII

Specifications for intervention boning

1. HINDQUARTER CUTS

1.1. Description of cuts

1.1.1. Intervention shank (code INT 11)

Cutting and boning: remove by a cut passing through the stifle joint and separating from the topside and the silverside by following the natural seam, leaving the heel muscle attached to the shank. Remove shank bones (tibia and hock).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.2. Intervention thick flank (code INT 12)

Cutting and boning: separate from the topside by a straight cut down to and along the line of the femur and from the silverside by continuing the cut down in the line of the natural seam; the cap must be left naturally attached.

Trimming: remove the patella, the joint capsule and tendon; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.3. Intervention topside (code INT 13)

Cutting and boning: separate from the silverside and the shank by a cut following the line of the natural seam and detach from the femur; remove the aitchbone.

Trimming: remove the pizzle butt, the adjacent gristle and the scrotal (superficial inguinal) gland; remove the cartilage and connective tissues associated with the pelvic bone; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.4. Intervention silverside (code INT 14)

Cutting and boning: separate from the topside and the shank by a cut following the line of the natural seam; remove the femur.

Trimming: remove the heavy cartilage adjacent to the bone joint, the popiteal lymph node, attached fat and tendon; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.5. Intervention fillet (code INT 15)

Cutting: remove entire length of fillet by freeing the head (butt end) from the hip bone (ilium) and by tracing along the fillet adjacent to the vertebrae, thereby freeing the fillet from the loin.

Trimming: remove gland and de-fat. Leave the silverskin and chain muscle intact and fully attached. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: fillets must be packed carefully lengthwise, thin ends to thick ends alternatively, silverskin up, and must not be folded.

These cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.6. Intervention rump (code INT 16)

Cutting and boning: separate from the silverside/thick flank by a straight cut from a point approximately five centimetres from the posterior edge of the fifth sacral vertebra, passing approximately five centimetres from the anterior edge of the aitchbone, taking care not to cut through the thick flank.

Separate from the loin by a cut between the last lumbar and first sacral vertebrae, clearing the anterior edge of the pelvic bone. Remove bones and cartilage.

Trimming: remove the pocket of fat on the internal surface below the eye muscle. The external fat cover must not exceed one centimetre at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.7. Intervention striploin (code INT 17)

Cutting and boning: separate from the rump by a straight cut between the ast lumbar and the first sacral vertebrae. Separate from the fore-rib (five bone) by a straight cut between the eleventh and tenth ribs. Remove the backbones cleanly. Remove the ribs and feather bones by sheeting out.

Trimming: remove any species of cartilage left after boning. The tendon must be removed. The external fat cover must not exceed one centimetre at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.8. Intervention flank (code INT 18)

Cutting and boning: remove the full flank from the eight-rib straight-cut hindquarter by a cut from the point where the flank has been laid back, following the natural seam down around the surface of the hind muscles to a point which is horizontal to the middle of the last lumbar vertebra.

Continue the cut downwards in a straight line parallel to the fillet, through the thirteenth to the sixth rib inclusive along a line running parallel to the dorsal edge of the vertebral column, so that the entire downward cut is no more than five centimetres from the lateral tip of the eye muscle.

Remove all bones and cartilage by sheeting out. The whole flank must remain in one piece.

Trimming: remove the coarse connective tissue sheath covering the goose skirt, leaving the goose skirt intact. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: the full flank may be folded once only for packing. It must not be cut or rolled. When packed, the inner part of the flank and the goose skirt must be clearly visible. Before packing each box must be lined with polyethylene to allow complete wrapping of the cut(s).

1.1.9. Intervention fore-rib (five bone) (code INT 19)

Cutting and boning: this cut must be separated from the striploin by a straight cut between the eleventh and tenth ribs and must include the sixth to tenth ribs inclusive. Remove the intercostal muscles and pleura in a thin sheet with rib bones. Remove backbone and cartilage, including the tip of the scapula.

Trimming: remove the backstrap (*ligamentum nuchae*). The external fat cover must not exceed one centimetre at any point. The cap must be left attached.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

2. FOREQUARTER CUTS

2.1. Description of cuts

2.1.1. Intervention shin (code INT 21)

Cutting and boning: remove by a cut around the joint separating the shinbone (radius) and clod-bone (humerus). Remove the shinbone (radius).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

Shins must not be packed with shanks.

2.1.2. Intervention shoulder (code INT 22)

Cutting and boning: separate the shoulder from the forequarter by cutting in a line following the natural seam around the edge of the shoulder and the cartilage at the tip of the scapula, continuing around the seam so that the shoulder is lifted from its natural pocket. Remove the scapula. The blade muscle under the scapula must be laid back but left attached so as to allow clean removal of the bone. Remove the clod-bone (humerus).

Trimming: remove cartilage, tendons and joint capsules; trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

2.1.3. Intervention brisket (code INT 23)

Cutting and boning: separate from the forequarter by cutting in a straight line perpendicular to the middle of the first rib. Remove intercostal muscles and pleura by ‘sheeting out’, with ribs, breastbone and cartilage. Deckle to be left attached to the brisket. Fat underlying the deckle and the sternum must be removed.

Trimming: trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: each cut must be individually wrapped in polyethylene and packed in a carton lined with polyethylene to allow complete wrapping of the cuts.

2.1.4. Intervention forequarter (code INT 24)

Cutting and boning: the cut remaining after removal of the brisket, shoulder and shin is classed as forequarter.

Remove rib bones by sheeting out. Neck bones must be removed cleanly.

The chain muscle must be left attached to this cut.

Trimming: tendons, joint capsules and cartilage to be removed. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

3. VACUUM-PACKING OF CERTAIN INDIVIDUAL CUTS

Member States may decide to allow vacuum-packing instead of individual wrapping as provided for under point 1 for cuts of codes INT 12, 13, 14, 15, 16, 17 and 19.

PART IX

Provisions applicable to cartons, pallets and cages

I. Cartons

1. Cartons shall correspond to commercial standards and weight and be strong enough to be pallet-stacked.

2. Cartons used may not show the name of the slaughterhouse or cutting plant from which the products come.

3. Cartons must be weighed individually after being filled; cartons filled with a weight fixed in advance are not authorised.

4. The net weight of cuts per carton may not exceed 30 kg.

5. Only cuts of the same designation identified by their full name or by the Community code and coming from the same category of animal may be placed in the same carton; cartons may not contain any pieces of fat or other trimming under any circumstances.

[F5 6. Cartons must be sealed:

(a) by means of the mark applied in accordance with Section I of Annex II to Regulation (EC) No 853/2004; and

(b) by intervention agency labels bearing a serial number on both ends of the carton affixed in such a way that they are destroyed when the carton is opened.**]**

Textual Amendments

F5 Substituted by Commission Regulation (EU) No 549/2010 of 23 June 2010 amending and correcting Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

7. The intervention agency labels must show the number of the contract, the type and number of cuts, the net weight and the date of packing; the labels must not be less than 20 × 20 cm. The veterinary inspection labels must show the approval number of the cutting plant.

8. The serial numbers on labels referred to in point 6 must be recorded in respect of each contract and it must be possible to compare the number of cartons used and of labels issued.

9. Cartons must be bound with four straps, two lengthwise and two widthwise placed approximately 10 cm from each corner.

10. Labels torn during inspection must be replaced by serially numbered labels, two per carton, issued by the intervention agency to the competent authorities.

II. Pallets and cages

1. Cartons relating to different invitations to tender and containing different cuts must be stored on separate pallets by invitation to tender or by month and by cut. Such pallets must be identified by labels showing the number of the invitation to tender, the type of cut, the net weight of the product, the tare weight and the number of cartons per cut.

2. The location of pallets and cages must be shown on a storage plan.

PART X

Individual prices of rejected intervention cuts for the purposes of the first and second subparagraphs of Part IV, Section IX(2) of this Annex

(EUR/tonne)	
Intervention fillet	22 000
Intervention striploin	14 000
Intervention topside, Intervention rump	10 000
Intervention silverside, Intervention thick flank, Intervention forerib (with five ribs)	8 000
Intervention shoulder, Intervention forequarter	6 000
Intervention brisket, Intervention shank, Intervention shin	5 000
Intervention flank	4 000

PART XI

Checks on products

[X1 1. The intervention agencies shall ensure that meat covered by this Regulation is so placed and kept in storage as to be readily accessible and in conformity with the provisions of Part IV, Section VI, first paragraph of this Annex.]

2. The storage temperature may not rise above - 17 °C.

3. Member States shall take all measures necessary to ensure satisfactory preservation, in terms of quality and quantity, of the products stored and shall replace damaged packaging immediately. They shall provide for cover against the relevant risks by insurance in the form of either a contractual obligation on storers or comprehensive coverage of the liability borne by the intervention agency. Member States may also act as their own insurers.

4. During storage, the competent authorities shall conduct regular checks on significant quantities of the products stored following awards under invitations to tender held during the month.

During such checks, any products found not to be in compliance with the requirements as laid down in this Regulation shall be rejected and marked as such. Without prejudice to the

application of penalties, the competent authorities shall, if need be, recover payments from the responsible parties.

Such checks shall be conducted by officials who do not receive instructions from the department which buys the meat.

5. The competent authorities shall take the necessary measures as regards traceability and storage to enable the products stored to be removed from storage and disposed of subsequently as efficiently as possible, having regard in particular to any requirements relating to the veterinary health status of the animals concerned.

ANNEX IV

BUTTER

PART I

Eligibility criteria for butter

[X1 1. The intervention agency shall buy in only butter which meets the requirements of Article 10(1)(e) of Regulation (EC) No 1234/2007, and of points 3 to 7 of this Part and Article 28(1) of this Regulation.]

2. The criteria for approving the undertakings referred to in Article 10(1)(e) of Regulation (EC) No 1234/2007 are listed in Part III of this Annex.

3. The intervention agency shall check the quality of butter using the methods described in Part IV of this Annex and on the basis of samples taken in accordance with the rules set out in Part V of this Annex. However, Member States may, subject to written agreement of the Commission, set up a system of self checking under their own supervision in respect of certain quality requirements and in the case of certain approved undertakings.

4. Levels of radioactivity in butter may not exceed the maximum levels permitted, where applicable, under Community rules.

The level of radioactive contamination of butter shall be monitored only if the situation so requires, and during the requisite period.

5. The butter shall have been made during the 31 days preceding the day on which the competent body received the offer to sell at fixed price or, in the case of tenders 31 days preceding the closing date of the tendering sub-period.

6. Where butter is offered to intervention in a Member State other than that in which it was produced, buying-in shall be subject to the presentation of a certificate supplied by the competent body of the Member State of production.

The certificate shall be presented to the competent body of the purchasing Member State not later than 35 days after the day on which the offer was received or after the closing date of the tender and shall contain the information referred to in Article 28(1)(a), (b) and (d) of this Regulation, and a confirmation that the butter has been produced directly and exclusively from pasteurised cream within the meaning of Article 6(2) of Regulation (EC) No 1234/2007, in an approved undertaking in the Community.

[X1 7. Where the Member State of production has performed the checks referred to in point 3 of this Part, the certificate shall also contain the results of those checks and confirm that the product concerned is butter fulfilling the requirements of Article 10(1)(e) of Regulation (EC) No 1234/2007. In that case, the packaging referred to in Article 28(1) of this Regulation must be sealed by means of a numbered label issued by the competent body of the Member State of production. The certificate shall contain the number of the label.]

PART II

Taking over and initial controls for butter

1. The butter shall be put through a trial storage period. This period shall be fixed at 30 days starting from the day of taking over.

2. The intervention agency shall require that the butter be placed and kept in storage on pallets, in such a way as to create easily identifiable and readily accessible lots.

PART III

Criteria for the approval of undertakings referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 (common part for butter and skimmed milk powder)

1. Undertakings as referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 shall be approved only if they:

(a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 and have the appropriate technical equipment;

(b) undertake to keep permanent records in the form determined by the competent body of each Member State, listing the supplier and origin of the raw materials, for butter the quantities of butter obtained and for milk powder the quantities of skimmed-milk powder, buttermilk and whey obtained and the packaging, identification and exit date of each production batch intended for public intervention;

(c) agree to submit their production of butter and skimmed milk powder liable to be offered for intervention to a specific official inspection;

(d) undertake to inform the competent body, at least two working days in advance, of their intention to produce butter and skimmed milk powder for public intervention; however, the Member State may set a shorter time limit.

2. To ensure compliance with this Regulation, the competent body shall carry out unannounced on-the-spot inspections, on the basis of the intervention butter and skimmed milk powder production schedule of the undertakings concerned.

They shall carry out at least:

(a) one inspection per period of 28 days of production for intervention with at least one inspection every year, to examine the records referred to in point 1(b);

(b) one inspection every year, to verify compliance with the other conditions for approval referred to in point 1.

3. Approval shall be withdrawn if the preconditions laid down in point 1(a) are no longer satisfied. Approval may be re-granted at the request of the undertaking concerned after a period of at least six months, following a thorough inspection.

Except in cases of *force majeure,* where an undertaking is found not to have complied with one of its commitments as referred to in point 1(b), (c) and (d), approval shall be suspended for a period of between one and 12 months depending on the seriousness of the irregularity.

The Member State shall not impose suspension where it is established that the irregularity was not committed deliberately or as a result of serious negligence and it is of minor importance with regard to the effectiveness of the inspections provided for in point 2.

4. A report shall be drawn up on the inspections carried out pursuant to points 2 and 3, specifying:

(a) the date of the inspection;

(b) the duration of the inspections;

(c) the operations carried out.

The report shall be signed by the inspector responsible.

PART IV

Compositional requirements, quality characteristics and analytical methods

Butter is a solid emulsion, mainly of the water-in-oil type, with the following compositional and quality characteristics:

Parameters	Content and quality characteristics
Fat	Minimum 82 %
Water	Maximum 16 %
Non-fat solids	Maximum 2 %
Free fatty acids	Maximum 1,2 mmole/100 g fat
Peroxide value	Maximum 0,3 meq oxygen/1 000 g fat
Coliformes	Not detectable in 1 g
Non-milk fat	Not detectable by triglyceride analysis
Sensory characteristics	At least four out of five points for appearance, flavour and consistency
Water dispersion	At least four points

[[X1]The reference methods to be applied shall be those laid down in Regulation (EC) No 273/2008 (OJ L 88, 29.3.2008, p. 1).**]**

PART V

Sampling for chemical and microbiological analysis and sensory evaluation

1. Chemical and microbiological analysis

Quantity of butter(kg)	Minimum number of samples(> 100 g)
≤ 1 000	2
> 1 000 ≤ 5 000	3
> 5 000 ≤ 10 000	4
> 10 000 ≤ 15 000	5
> 15 000 ≤ 20 000	6
> 20 000 ≤ 25 000	7
> 25 000	7 + 1 per 25 000 kg or part thereof

Sampling for microbiological analysis must be carried out aseptically.

Up to five samples of 100 g may be combined into one sample for analysis after thorough mixing.

The samples must be taken randomly from different parts of the offered quantity before or at the time of entry into the cold store designated by the competent body.

Preparation of composite butter sample (chemical analysis):

(a) using a clean, dry butter trier or similar suitable instrument, extract a core of butter of at least 30 g and place in a sample container. The composite sample must then be sealed and forwarded to the laboratory for analysis;

(b) at the laboratory the composite sample is to be warmed in the original unopened container to 30 ^{o}C and shaken frequently until a homogeneous fluid emulsion free of unsoftened pieces is obtained. The container should be one half to two thirds full.

Two samples per year per producer offering butter for intervention must be analysed for non-milk fat.

2. Sensory evaluation

Quantity of butter(kg)	Minimum number of samples
1 000 ≤ 5 000	2
> 5 000 ≤ 25 000	3
> 25 000	3 + 1 per 25 000 kg or part thereof

The samples are to be taken randomly from different parts of the offered quantity between the 30th and the 45th day following conditional takeover of the butter and graded.

[[X1]Each sample must be assessed individually in accordance with Annex IV to Regulation (EC) No 273/2008. No resampling or re-evaluation is allowed.**]**

3. Guidelines to be followed where samples show defects

(a) chemical and microbiological analysis:

— where individual samples are analysed, one sample showing a single defect out of five to 10 samples or two samples each showing a single defect out of 11 to 15 samples may be allowed. Where a sample shows a defect, two new samples must be taken from either side of the sample showing the defect and checked for the parameter in question. Where neither sample meets the specification, the quantity of butter between the original two samples on either side of the sample showing the defect must be rejected from the quantity offered.

Quantity to be rejected where the new sample shows a defect:

— where composite samples are analysed and found to show defects in respect of one parameter, the quantity represented by the composite sample concerned is to be rejected from the quantity offered. The quantity represented by one composite sample may be determined by subdividing the quantity offered before samples are taken randomly from each part thereof;

(b) sensory evaluation:

— where a sample fails the sensory evaluation, the quantity of butter between two neighbouring samples on either side of the sample failing is to be rejected from the quantity offered,

(c) where samples show a sensory defect and either a chemical or a microbiological defect, the whole quantity is to be rejected.

ANNEX V

SKIMMED MILK POWDER

PART I

Eligibility criteria for skimmed milk powder

[[X1]1. The intervention agency shall buy-in only skimmed milk powder which complies with Article 10(1)(f) of Regulation (EC) No 1234/2007, and with points 3 to 6 of this Part and Article 28(2) of this Regulation.**]**

2. The criteria for approving the undertakings referred to in Article 10(1)(e) of Regulation (EC) No 1234/2007 are listed in Part III of Annex IV.

3. The intervention agencies shall check the quality of skimmed-milk powder using the analytical methods set out in Part IV of this Annex on the basis of samples taken in accordance with the rules set out in Part VI of this Annex. The checks must establish that, except authorised raw materials used for protein adjustment as referred to in Annex I(4)(b) to Council Directive 2001/114/EC[(9)] the skimmed milk powder does not contain other products, in particular buttermilk and whey, as defined in Part IV of this Annex.

Protein adjustment, if applicable, shall occur in the liquid phase. Material used for protein adjustment shall be of Community origin.

However, if the Commission so agrees, Member States may set up a system of self-checking under their own supervision for certain quality requirements and certain approved undertakings.

4. Radioactivity levels in the skimmed-milk powder may not exceed the maximum levels permitted, where applicable, under Community rules. The level of radioactive contamination of the product shall be monitored if the situation so requires and during the period necessary only.

5. The skimmed-milk powder must have been manufactured during the 31 days preceding the day on which the intervention agency received the offer to sell at fixed price or, in the case of tenders 31 days preceding the closing date of the tendering sub-period. If the skimmed-milk powder is stored in silos containing more than one production day, it must have been manufactured during the three weeks preceding the week during which the offer to sell at fixed price was received or, in the case of tenders four weeks preceding the closing date of the tendering sub-period.

6. Where skimmed-milk powder is offered for intervention in a Member State other than that in which it was manufactured, buying-in shall be subject to presentation, no later than 35 days after the day on which the offer was received or after the closing date of the tender, of a certificate supplied by the competent agency of the Member State of manufacture.

The certificate shall contain the information referred to in Article 28(2)(a), (b) and (c) and a confirmation that the skimmed-milk powder has been produced from milk in an approved undertaking in the Community and protein adjustment, if applicable, occurred in liquid phase, as laid down in Article 10(1)(f) of Regulation (EC) No 1234/2007.

[[X1]Where the Member State of manufacture has performed the checks referred to in point 3 of this Part, the certificate shall also contain the results of those checks and confirm that the product concerned is skimmed-milk powder within the meaning of Article 10(1)(f) of Regulation (EC) No 1234/2007.**]** In that case, the bags referred to in Article 28 shall be sealed with a numbered label issued by the intervention agency of the Member State of manufacture. The number shall be entered on the certificate referred to in the first subparagraph of this point.

PART II

Taking over and initial controls for skimmed milk powder

The intervention agency shall require that skimmed milk powder be placed and kept in storage on pallets, in such a way as to create easily identifiable and readily accessible lots.

PART III

Criteria for the approval of undertakings referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007

Part III of Annex IV of this Regulation shall apply.

PART IV

Compositional requirements, quality characteristics and analytical methods

Parameters	Content and quality characteristics
Protein content	Minimum 34,0 % of the non-fat dry matter
Fat content	Maximum 1,0 %
Water content	Maximum 3,5 %
Titratable acidity in ml of decinormal sodium hydroxide solution	Maximum 19,5 ml
Lactate content	Maximum 150 mg/100 g
Additives	None
Phosphatase test	Negative, i.e., not more than 350 mU of phosphatasic activity per litre of reconstituted milk
Solubility index	Maximum 0,5 ml (24 °C)
Burnt-particles index	Maximum 15,0 mg, i.e. disc B minimum
Micro-organism content	Maximum 40 000 per gram
Detection of coliforms	Negative in 0,1 g
Detection of buttermilk[a]	Negative[b]
Detection of rennet whey[c]	None
Detection of acid whey[d]	None
Taste and smell	Clean
Appearance	White or slightly yellowish colour, free from impurities and coloured particles
Antimicrobial substances	Negative[e]

a 'Buttermilk' means the by-product of butter manufacture obtained after churning of the cream and separation of the solid fat.

b [X1The absence of buttermilk can be established either by an on-the-spot inspection of the production plant carried out without prior notice at least once a week, or by a laboratory analysis of the end product indicating a maximum of 69,31 mg of FEDP per 100 g.]

c 'Whey' means the by-product of cheese or casein manufacture obtained by the action of acids, rennet and/or chemico-physical processes.

d 'Whey' means the by-product of cheese or casein manufacture obtained by the action of acids, rennet and/or chemico-physical processes. The method to be applied shall be approved by the intervention agency

e Raw milk used for the manufacture of skimmed milk powder must meet the requirements specified in Section IX of Annex III to Regulation (EC) No 853/2004.

The reference methods to be applied shall be those laid down in Commission Regulation (EC) No 273/2008 (OJ L 88, 29.3.2008, p. 1).

PART V

Conditions of packaging

1. The skimmed-milk powder shall be packed in new, clean, dry and intact bags with a net weight of 25 kg.

2. The bags shall have at least three layers, which together correspond to at least 420 J/m^2 TEA average.

The second layer shall be covered with a layer of polyethylene of at least 15 g/m^2.

Inside the paper layers, a polyethylene bag at least 0,08 mm thick shall be fused to the bottom.

3. Bags shall conform to standard EN 770.

4. When filling, the powder should be well pressed down. Loose powder must on no account be allowed to penetrate between the various layers.

PART VI

Sampling and analysis of skimmed-milk powder offered for intervention

1. Samples shall be taken in accordance with the procedure laid down in International Standard ISO 707. However, Member States may use another method of sampling provided that it complies with the principles of the abovementioned standard.

2. Number of packages to be selected for sampling checks:

(a) offers containing up to 800 25-kg bags: at least eight;

(b) offers containing more than 800 25-kg bags: at least eight, plus one for each additional 800 bags or fraction thereof.

3. Weight of sample: samples of at least 200 g are to be taken from each package.

4. Grouping of samples: no more than nine samples are to be combined in a global sample.

5. Analysis of samples: each global sample is to undergo an analysis to verify all the quality characteristics laid down in Part III of this Annex.

6. Where samples show defects:

(a) where a composite sample shows a defect with regard to one parameter, the quantity from which the sample came is rejected;

(b) where a composite sample shows a defect with regard to more than one parameter, the quantity from which the sample came is rejected and samples are taken from the remaining quantities from the same plant; the analysis of those samples shall be decisive. In that case:
- the number of samples laid down in point 2 is doubled,
- where a composite sample shows a defect with regard to one or more parameters, the quantity from which the sample came is rejected.

(**1**) OJ L 37, 13.2.1993, p. 1.

(**2**) OJ L 364, 20.12.2006, p. 5.

(**3**) **[**[F1]OJ L 70, 9.3.2006, p. 12.**]**

(**4**) Reduction to be applied to the price of sorghum on the basis of the tannin content of 1 000 g of dry matter:

(a) Poultry-metabolisable energy of 1 000 g of sorghum dry matter with a theoretical tannin content of 0 %: 3 917 K calories;

(b) Reduction of the poultry-metabolisable energy of 1 000 g of sorghum dry matter per additional percentage point of tannin: 419 K calories;

(c) Difference, expressed in percentage points, between the maximum tannin content laid down for sorghum accepted for intervention and the tannin content laid down for the standard quality: 1,0 - 0,3 = 0,7;

(d) **[**[X1]Difference, expressed as a percentage, between the poultry-metabolisable energy of sorghum containing 1,0 % tannin and the poultry-metabolisable energy of sorghum with the same tannin content as the standard quality (0,30 %)

(e) Reduction corresponding to a 1 % tannin content in the dry matter, in excess of 0,30 %
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(**5**) OJ L 139, 30.4.2004, p. 206.

(**6**) OJ L 253, 11.10.1993, p. 1.

(**7**) OJ L 204, 11.8.2000, p. 1.

(**8**) OJ L 125, 23.5.1996, p. 3.

(**9**) OJ L 15, 17.1.2002, p. 19.

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (Official Journal of the European Union L 349 of 29 December 2009).

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

Status:
Point in time view as at 01/07/2013.

Changes to legislation:
There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.