

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selling of agricultural products under public intervention (repealed)

TITLE II

PROCEDURE OF BUYING-IN

CHAPTER IV

Takeover, initial controls and sampling

Article 33

Specific provisions for the takeover in storage place of the storekeeper for cereals and rice

1 If the takeover of cereals or rice takes place at the storage place where the products are held at the time the offer or tender is submitted, the quantity taken over shall be established on the basis of the stock records, which shall fulfil professional standards which allow to guarantee compliance with Community legislation, in particular Annex II to Regulation (EC) No 884/2006, and provided that:

- a the stock records show:
 - (i) the weight recorded on weighing carried out within a period of no more than 10 months before the takeover;
 - (ii) the physical quality characteristics at the time of weighing and, in particular, the moisture content;
 - (iii) trans-silages if any, and treatments carried out;
- b the storekeeper declares that the lot offered corresponds in all respects to the details contained in the stock records;
- c the quality characteristics established at the time of weighing are the same as those of the representative sample made up from the samples taken by the intervention agency or its representative at a rate of one for every 60 tonnes.

2 If paragraph 1 applies, the weight to be recorded, in accordance with article 5 of Regulation (EC) No 884/2006, shall be that entered in the stock records, adjusted, where appropriate, to take account of any difference between the moisture content and/or the percentage of miscellaneous impurities (*Schwarzbesatz*) recorded at the moment of weighing and those determined on the basis of the representative sample. A difference between the percentages of miscellaneous impurities may only be taken into account to reduce the weight entered in the stock records.

Within 45 days of takeover the intervention agency shall make a further volumetric check. The difference between the quantity determined by weighing and the quantity estimated in accordance with the volumetric method may not exceed 5 %.

Status: This is the original version (as it was originally adopted).

Where the tolerance is not exceeded, the storekeeper shall bear all costs relating to any difference observed, at a later weight check, from the weight entered in the accounts on takeover.

Where the tolerance is exceeded, the cereals or rice shall be weighed forthwith. The costs of weighing shall be borne by the storekeeper, where the weight determined is less than that recorded, or by the European Agricultural Guarantee Fund, where it is more, account being taken of the tolerances provided for in paragraph 1 of Annex XI of Regulation (EC) No 884/2006.