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

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 43(a) and (d), in conjunction with Article 4 thereof,

Whereas:

(1) The eligibility criteria to be met by cereals for public intervention and the methods to be used for carrying out tests to establish such eligibility pursuant to Article 7 of Commission Regulation (EU) No 1272/2009[(2)] are set out in Parts I to VIII and Part XII of Annex I to the said Regulation. Some of those methods have been amended by the European Committee for Standardisation (CEN). In order to take account of the changes in some of the methods in question and promote the European standards, those methods should be adapted. In order to ensure identical and consistent application of the methods in a given intervention period, it should be laid down that the said methods are those in force on the first day of the marketing year.

(2) The reference method for determining matter other than basic cereals of unimpaired quality, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, is described in Part V of the said Annex. Point 1 of Part V concerning common wheat, durum wheat and barley has been updated by European standard EN 15587:2008. The standard in question should be included in that point.

(3) Part III of Annex I to Regulation (EU) No 1272/2009 defines matter other than basic cereals of unimpaired quality and the factors to be taken into consideration for each type of cereal for defining impurities. For the sake of precision and concordance with European standard EN 15587:2008, certain definitions should be adapted and some subheadings should be moved from one category to another. As a result of those changes to subheadings, Part II of Annex I on minimum quality requirements should also be amended.

Changes to legislation: *Commission Regulation (EU) No 742/2010 is up to date with all changes known to be in force on or before 09 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) International method ISO 712:1998, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009 as one of the methods for determining moisture content, has been updated in respect of cereals other than maize, by European and international standard EN ISO 712:2009. The standard in question should be included. For maize the update provided for in European and international standard EN ISO 6540:2010 should be taken into account. Part VI of Annex I should also be deleted, and paragraph 3 of Part XII of Annex I should be adapted accordingly.

(5) The reference method for determining the protein content of common wheat grains, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, is the method recognised by the International Association for Cereal Chemistry (ICC), as laid down in standard No 105/2. Following the work of the CEN, that method should be replaced by European and international standard EN ISO 20483:2006 and should be extended to include durum wheat grains. As an alternative method, standard CEN ISO/TS 16634-2:2009 should also be specified.

(6) International method ISO 5529:1992 for determining the Zeleny index of common wheat, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, has been updated by European and international standard EN ISO 5529:2009. The standard in question should be included.

(7) International method ISO 3093:2004 for determining the Hagberg falling number, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, has been updated by European and international standard EN ISO 3093:2009. The standard in question should be included.

(8) The reference method for determining the rate of loss of vitreous aspect of durum wheat, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, is described in Part VIII of the said Annex. Following the work of the CEN, that method should be replaced by European standard EN 15585:2008. The abovementioned standard should be included and Part VIII of Annex I deleted.

(9) International reference method ISO 7971/2:1995 for determining the specific weight, currently mentioned in Part IV of Annex I to Regulation (EU) No 1272/2009, has been updated by European and international standard EN ISO 7971/3:2009. The standard in question should be included.

(10) This Regulation should apply from the date from which the provisions of Regulation (EU) No 1272/2009 become applicable to cereals.

(11) However, in order to enable the Member States to implement the amendments and updates introduced by this Regulation, in particular as regards impurities and references to standard EN 15587, a reasonable deadline should be set for the implementation of certain provisions. The amendments in question should therefore apply only from the marketing year 2011/12.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** Commission Regulation (EU) No 742/2010 is up to date with all changes known to be in force on or before 09 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 1

Regulation (EU) No 1272/2009 is amended as follows:

1. Article 7 is amended as follows:

   (a) the first indent of paragraph 2 is replaced by the following:
   — for cereals: in Annex I, Parts III, IV, V, VII and XII,;

   (b) the following paragraph 3 is added:

   3. To determine the quality of cereals offered for, or placed in, intervention, the methods to be used shall be those described in Annex I, established by the latest versions of the relevant European and/or international standards, as the case may be, in force on the first day of each marketing year..

2. Annex I is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2010.

However, Article 1(2), as regards point B of Part II, Part III, point (a) of Part IV and Part V of Annex I to Regulation (EU) No 1272/2009, shall apply from 1 July 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 August 2010.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *Commission Regulation (EU) No 742/2010 is up to date with all changes known to be in force on or before 09 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

Annex I to Regulation (EU) No 1272/2009 is amended as follows:

1. Parts II to V are replaced by the following:

PART II

Minimum quality requirements referred to in Part I

	Durum wheat	**Common wheat**	**Barley**	**Maize**	**Sorghum**
A. Maximum moisture content	14,5 %	14,5 %	14,5 %	13,5 %	13,5 %
B. 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	X	X	n.a.	n.a.	n.a.

a of which maximum 3 % for impurities other than grains affected by fusariosis.

b As a percentage of dry matter.

"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.

"n.a.": not applicable, not requiring analysis.

***Changes to legislation:** Commission Regulation (EU) No 742/2010 is up to date with all changes known to be in force on or before 09 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

germ is discoloured					
(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 %
— 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

a of which maximum 3 % for impurities other than grains affected by fusariosis.

b As a percentage of dry matter.

"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.

"n.a.": not applicable, not requiring analysis.