

## **Pigmeat Recall Scheme**

### **Trader Notice No. 08 /2009**

#### **CLAIM FOR FINAL PAYMENT IN RESPECT OF ELIGIBLE PIGMEAT PRODUCT STORED IN IRELAND BY**

#### **IRISH PRIMARY PROCESSORS**

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The Department of Agriculture, Fisheries and Food invites applications for *ex-gratia* financial assistance from Primary Pigmeat Processors who meet the terms and conditions of the Pigmeat Recall Scheme.

#### **Overview:**

- 1) The Pigmeat Recall Scheme, 2008 ('the Scheme'), was introduced to effect the secure disposal of eligible product, in order to enable normal pig meat processing operations to resume and bring stability to the pigmeat sector. The Scheme is being operated in accordance with the following instruments of the European Commission:
  - i) Regulation 94/2009 of 30 January 2009 providing temporary exceptional support measure for the pigmeat and beef market in form of a disposal scheme in Ireland. This regulation provides co-financing support of up to €10.5m in respect of certain primary products.
  - ii) State Aid notification No. 643/2008 – Special Measures relating to meat products of animal origin from pigs following a dioxin contamination in Ireland.
  - iii) State Aid notification No. --/2009 – to be approved.
- 2) Payment will be made based on verified claims relating to all eligible product destroyed in accordance with the requirements of the Scheme and the instructions of the Department to the trade and net of any advance funds.
- 3) A payment, where approved, will be based on individualised product values reflecting the types of product included in each product category and the values attributed to each of those products by individual companies. Further detail is provided below under 'Product Values'.
- 4) Applicants are reminded that not all product declared may be deemed eligible for assistance under the Scheme by the Department. In addition, payment remains subject to availability of funds and to the various conditions imposed by EU rules, including a

requirement that the average rate of payment per tonne for certain stocks should not exceed the maximum rate laid down in EU Regulation 94/2009. State Aid approval is still awaited for certain categories of product.

- 5) Applications, valid and complete plus all support documentation must be submitted as soon as possible. A final date for submission of completed applications will be notified shortly, following confirmation by the EU authorities. Incomplete applications will be returned in full to the applicant.

**Overseas product:**

- 6) Applicants are referred to the separate Trader Notice and forms that are issuing in respect of claims for product that had been exported out of Ireland.

**How to make a claim for payment:**

- 7) Applicants must submit their claim on the **PRS 7 forms**, as attached. These forms, which have been designed in consultation with the sector, require the applicant to provide a detailed and comprehensive statement of the product submitted for assistance.
  - A. PRS 7-Claim Completed, stamped and signed, enclosing relevant documents.
  - B. PRS 7-Summary Completed, signed and stamped.
  - C. PRS 7-Products Product Details. Completed.
  - D. PRS 7-Rendered Weights dispatched/rendered. Enclosing PRS 2 and 3 forms.
- 8) Using the PRS 7-Summary form, the applicant must provide a breakdown of the products declared into the global product categories already in use, giving the relevant volumes and valuations for each.
- 9) Applicants should note that the total volume of product declared may now include stock not previously declared on the PRS1. Please refer to the paragraph 'Eligibility Categories' below for guidance.
- 10) PRS 7-Rendered: Companies are asked to enter the serial numbers of PRS2 and 3 forms. Companies are asked to staple together relevant PRS 2 and 3 forms when returning to the Department.

**Eligibility Categories:**

- 11) State Aid approval is awaited in respect of some categories.
- 12) Applicants should note that the total volume of product declared may now include products under the following Eligibility Categories:
  - a) Stock in store at 6.12.08, under the processor's control, possibly contaminated;
  - b) Stock slaughtered before 1 Sep '08 that never left the processor's control and has proven unsaleable.
  - c) Stock slaughtered before 1 Sep. '08 that was returned to the processor by a customer because it is unsaleable.
  - d) Stock that was slaughtered between 1 Sep. and 6 Dec. '08, that never left the processor's control and can be proven to be uncontaminated and unsaleable.

- e) Stock that was slaughtered between 1 Sep. and 6 Dec. '08 and was returned by customers or was destroyed by retailers on the processors' behalf.
- 13) Product that was sent to rendering directly by the retailing sector may be included in this claim provided that a complete and verifiable document trail exists for this product's ownership, segregation, dispatch to and receipt at rendering plant (PRS 2 and 3 forms).

For product where such a complete and verifiable document trail **does not** exist, processors should make separate application to the Department for assistance. Specific instructions regarding this product will issue to the industry in due course.

- 14) Processors are reminded that all declarations made regarding the eligibility of product must be verifiable by record and to the satisfaction of the Minister.
- 15) In particular, claims for assistance in respect of products and categorised as 'unsaleable', should be supported by verifiable records demonstrating unsuccessful efforts made to market the product. Such records should be retained by the processor and made available to the Minister, on request.

#### **Product Values:**

- 16) Applicants must indicate precisely the products they have included in each of the global product categories on the PRS 7, with the relevant valuations that are being claimed.
- i) For **product that never left the processors control**, applicants must use the specific rates which have been notified to them by this Department, which are based on the Week 49 rate. Columns (a), (b) and (d) of the PRS 7 Summary refer.
  - ii) For **product that had been sold on to customers**, applicants may claim an invoiced-out rate. Columns (c) and (e) refer. In this regard, valuations used for each product must be no greater than the wholesale market price for the product as recorded and verifiable by the processor, and should be net of VAT where this applies. Any discounts applied to products must be similarly applied to the valuations submitted in respect of this payment. Applicants must make records relating to the prices notified available to the Minister for scrutiny, on request. Where identical products are marketed and priced at differing values, a weighted average value must be calculated and used for all such products. The basis of such weighted valuations must be made available to the Minister for scrutiny, on request.

#### **Provision of false or misleading information:**

- 17) By signing the required forms the applicant confirms that all information is true and accurate to the best of his or her knowledge. Where, for the purposes of obtaining payment under this Scheme, the applicant or a person acting on his/her behalf knowingly makes a false or misleading statement or declaration, or includes ineligible material or withholds essential information, the claim in question shall be rendered ineligible for payment and the applicant may be precluded from making any further claims. A deliberate attempt to obtain monies by fraudulent means may render the applicant and any others involved liable to prosecution.

**Appeal/review:**

18) An applicant who is not satisfied with the determination of the Minister regarding an application under this Scheme, may lodge an appeal to the Minister seeking a review of the decision. The review will be a full and new examination of the matter carried out by a more senior member of staff of this Department. The appeal must be made, in writing, within one month of the date of the decision. The appeal must include the facts and contentions upon which the applicant intends to rely together with such documentary evidence that the applicant wishes to submit in support of his/her appeal.

**19) Contact Details:**

Applications should be typed and submitted in hard-copy (a soft copy may be supplied in addition) as soon as possible to:

Pigmeat Recall Unit  
Department of Agriculture, Fisheries and Food  
Johnstown Castle  
Co. Wexford.

Further information can be obtained by emailing [pigmeat.recall@agriculture.gov.ie](mailto:pigmeat.recall@agriculture.gov.ie) or by contacting the Unit directly at (053) 9165593.

27 March 2009.