

Pigmeat Recall Scheme

Trader Notice No. 09/2009

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

SECONDARY PROCESSORS

The Department of Agriculture, Fisheries and Food invites applications for *ex-gratia* financial assistance from Secondary 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:
 - a) 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.
 - b) State Aid notification No. 643/2008 – Special Measures relating to meat products of animal origin from pigs following a dioxin contamination in Ireland.
 - c) 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 made available.
- 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, (as used for the Second Interim Payment). 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,
- 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.

Product sent to rendering by retailers:

- 7) Product that was sent to rendering directly by the retailing sector and charged to the supplying processor 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).
- 8) 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.

How to make a claim for payment:

- 9) 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.
- 10) 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.
- 11) Applicants should note that the total volume of product declared may now include acquired additional returned stock and stock destroyed by retailers on processors' behalf, as appropriate (see Product Sent to Rendering by Retailers above). This should be specified on the PRS 7 Summary and in the Product details form under the headings "Finished Goods (returned/destroyed by customers)."
- 12) Processors must indicate the volume of pigmeat of foreign origin used in each product. This information is being collected for statistical purposes only. However, applicants are reminded that products where the pigmeat content is comprised entirely of meat of foreign origin are ineligible for compensation under the terms of this Scheme. Applicants should refer to Trader Notice No. 7 of 2009 for further information.

- 13) 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.
- 14) Processors are reminded that all declarations made regarding the eligibility and valuation of product must be verifiable by record and to the satisfaction of the Minister.

Product Values:

- 15) 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. A suitable template- in a format proposed by the sector - is provided. Provision is made for entering a 'list price' rate for product that did not leave the processor's control and an 'invoiced' rate for product that had moved to a customer.
- 16) 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.
- 17) 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.
- 18) For work in progress and raw materials, processors should ascribe a valuation appropriate to their individual operation.

Provision of false or misleading information:

- 19) 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:

- 20) 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.

21) 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 or by contacting the Unit directly at (053) 9165593.

27 March 2009.