COMMISSION REGULATION (EEC) No 1713/93

of 30 June 1993

establishing special detailed rules for applying the agricultural conversion rate in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], as last amended by Regulation (EEC) No 1548/93 [2], and in particular Article 6 (3), 8 (5), 28 (8) and 28a (5) thereof,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departements [3], and in particular Article 19 thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures for the Azores and Madeira relating to certain agricultural products [4], as amended by Regulation (EEC) No 3714/92 [5], and in particular Articles 10 and 25 (3) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands with regard to certain agricultural products [6], as amended by Regulation (EEC) No 3714/92, and in particular Article 3 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy [7], and in particular Articles 3 (3), 6 (2) and 12 thereof,

Whereas Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates [8] lays down, in particular, rules concerning the term 'operative events'; whereas, pursuant to Regulation (EEC) No 3813/92, in cases where the operative event as defined by that latter Regulation must be specified or cannot be taken into account for reasons peculiar to the market organization, a specific operative event must be determined taking account of special criteria;

Whereas Commission Regulation (EEC) No 3016/78 of 20 December 1978 laying down certain rules for applying conversion rates in the sugar and isoglucose sectors [9], as last amended by Regulation (EEC) No 3823/92 [10], lays down all the operative events to be taken into account for the representative rates to be applied to amounts fixed within the framework of the common organization of the market in sugar; whereas almost all of those operative events meet both the criteria fixed in Article 6 (2) of Regulation (EEC) No 3813/92 and the special requirements of that market organization; whereas, therefore, most of those operative events should be kept and to that end provision should be made for derogations to the corresponding Articles of Regulation (EEC) No 1068/93; whereas the provisions concerning operative events already laid down in Commission Regulation (EEC) No 1487/92 [11], (EEC) No 1488/92 [12], (EEC) No 2177/92 [13], as amended by Regulation (EEC) No 821/93 [14], and (EEC) No 3491/92 [15] should be incorporated at the samte time; whereas the operative events for denaturing premiums and production refunds should also be reviewed and a standard operative event should be fixed for refunds in order to take account of the many uses of sugar involved;

Whereas the agricultural conversion rates are likely to vary more in the future than they have in the past because of the new agrimonetary rules; whereas, therefore, because of the self-financing arrangements in the sugar sector, a single operative event for the whole Community should be laid down for minimum prices for sugarbeet in order to protect beet producers in particular; whereas in order to achieve this and because of the close connection between minimum prices for sugarbeet and sugar prices under the aforementioned self-financing arrangements provided for in Articles 28 and 29 of Regulation (EEC) No 1785/81 as well as the fact that all those prices concernin operations carried out throughout the marketing year, in the interests of consistency, pursuant to

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 154, 25. 6. 1993, p. 10.
(3) OJ No L 356, 24. 12. 1991, p. 1.
(4) OJ No L 173, 27. 6. 1992, p. 1.
(5) OJ No L 378, 23. 12. 1992, p. 23.
(6) OJ No L 173, 27. 6. 1992, p. 13.
(7) OJ No L 387, 31. 12. 1992, p. 1.
(8) OJ No L 108, 1. 5. 1993, p. 106.
(9) OJ No L 359, 22. 12. 1978, p. 11.
(10) OJ No L 387, 31. 12. 1992, p. 27.
(11) OJ No L 156, 10. 6. 1992, p. 7.
(12) OJ No L 156, 10. 6. 1992, p. 10.
(13) OJ No L 217, 31. 7. 1992, p. 71.
(14) OJ No L 85, 6. 4. 1993, p. 16.
(15) OJ No L 353, 3. 12. 1992, p. 21.

Article 3 (3) of Regulation (EEC) No 3813/92, a definition of a specific agricultural conversion rate should be used which is close to the economic reality concerned and similar to the definition used in the past for the production levy collected from sugar refiners; whereas comparable specific requirements apply regarding the amount of the reimbursement of storage costs;

Whereas, since Regulation (EEC) No 3016/78 has been amended many times and the rules in this area have developed considerably, all the provisions should be brought together within one single replacing Regulation whereas the new Regulation should enter into force from the beginning of hte 1993/94 marketing year, together with special transitional measures;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum sugarbeet prices referred to in Article 5 of Regulation (EEC) No 1785/81 and the production levy and additional levy referred to, respectively, in Articles 28 and 28a of that Regulation shall be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis,* of the agricultural conversion rates applicable during the marketing year in question.

2. The amount of reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 shall be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis,* of the agricultural conversion rates applicable during the month of storage,

3. The specific agricultural conversion rate referred to in paragraph 1 shall be fixed by the Commission during the month following the end of the marketing year in question. The Commission shall fix the agricultural conversion rate referred to in paragraph 2 each month for the previous month.

Article 2

Notwithstanding Articles 9, 10, 11 and 12 of Regulation (EEC) No 1068/93, as the case may be, and without prejudice to the possibilities and conditions for advance fixing provided for in Articles 13 to 17 of that Regulation, the operative events for applying the conversion rate within the framework of the common organization of the market in sugar shall be as shown in the Annex.

Article 3

1. Regulation (EEC) No 3016/78 shall be repealed. However, it shall continue to apply to current operations and procedures.

2. Article 6 of Regulation (EEC) No 1487/92, Article 7 of Regulation (EEC) No 1488/92, Article 8 of Regulation (EEC) No 2177/92 and Article 6 of Regulation (EEC) No 3491/92 are hereby deleted.

Article 4

This Regulation shall enter into force on 1 July 1993.

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

Done at Brussels, 30 June 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

Amount concerned	Conversion rate to be applied
I. Buying in	
(a) Buying-in price of sugar provided for in Article 9 (1) of Regulation (EEC) No 1785/81.	Rate applicable on the day on which the offer of sugar to intervention was accepted.
(b) Additional costs in respect of packing referred to in Article 17 (3) of Commission Regulation (EEC) No 2103/77 (1).	Rate applicable on the day on which the intervention agency required that the sugar be bagged.
(c) Increase or reduction referred to in Article 14 (2) of Regulation (EEC) No 2103/77.	Rate applicable on the day on which the offer of sugar to intervention was accepted.
(d) Reductions referred to in Article 13 of Regulation (EEC) No 2103/77.	Rate applicable on the day on which the offer of sugar to intervention was accepted.
(e) Amount of reimbursement referred to in Article 8 (5) of Regulation (EEC) No 2103/77.	Rate applicable on the day on which the offer of sugar to intervention was accepted.
II. Sale of intervention sugar	
(a) Selling price by tender pursuant to Article 3 of Council Regulation (EEC) No 447/68 (2).	Rate applicable on the day of payment. In the case of advance fixing in accordance with Article 6 (1) of Regulation (EEC) No 3813/92, the rate applicable shall be that in force on the last day for submission of tenders for the tendering procedure in question.
(b) Selling price, other than by tender, fixed in accordance with Article 3 of Regulation (EEC) No 447/68.	Rate applicable on the day of payment.
III. Production levies	
Advance payments provided for in Articles 5 and 6 of Commission Regulation (EEC) No 1443/82 (3).	Rate applicable on 1 April of the marketing year in question.
IV. Non-quota production	
(a) Levy referred to in Article 26 (3) of Regulation (EEC) No 1785/81 for C sugar and C isoglucose for which no proof of export has been furnished within the prescribed period.	Rate applicable on the day on which the highest import levy in the case of sugar or variable element of the levy in the case of isoglucose was applicable during the period referred to in Article 3 (1) of Commission Regulation (EEC) No 2670/81 (4). If that amount was applicable on two or more days, whether or not consecutive, during that period then the conversion rate shall be the rate applicable on the most recent of those days.
(b) Amount provided for in Article 2 (2) of Regulation (EEC) No 2670/81 in the event of substitution of C sugar or C isoglucose.	Rate applicable on the day on which the export declaration for the sugar or isoglucose exported in substitution was accepted.
(c) Amounts provided for in Article 5 (1) of Commission Regulation (EEC) No 65/82 (5) for the quantity of sugar carried forward in respect of which the undertaking has not met the storage obligation.	Rate applicable on the day on which the quantity in question was disposed of within the meaning of Article 12 of Commission Regulation (EEC) No 1998/78 (6).
V. Compensation system for storage costs	
(a) Storage levy provided for in Article 8 of Regulation (EEC) No 1785/81.	Rate applicable on the day on which the quantity in question was disposed of within the meaning of Article 12 of Regulation (EEC) No 1998/78.

Amount concerned	Conversion rate to be applied
VI. System of minimum stocks	
(a) Reimbursement provided for in Article 3 (b) of Council Regulation (EEC) No 1789/81 (7).	Rate applicable on the day on which the request for release was received by the competent authority concerned.
(b) Amounts provided for in Article 6 of Regulation (EEC) No 1789/81 levied on sugar from the minimum stock marketed other than in accordance with the rules laid down.	Rate applicable on the day on which the quantity in question was disposed of within the meaning of Article 12 of Regulation (EEC) No 1998/78.
VII. Denaturing premium	
Denaturing premium provided for in Article 9 (2) of Regulation (EEC) No 1785/81.	Rate applicable on the day of denaturing. In the case of advance fixing in accordance with Article 6 (1) of Regulation (EEC) No 3813/92, the applicable rate shall be that in force on the day on which the application for a denaturing premium certificate was received by the competent authority.
VIII. Production refunds for products used by the chemical industry	
Production refunds provided for in Article 9 (3) of Regulation (EEC) No 1785/81.	In the case of advance fixing of the agricultural conversion rate in accordance with Article 6 (1) of Regulation (EEC) No 3813/92, the applicable rate shall be that in force on the day on which the application for a refund certificate was received by the competent authority. In other cases, the applicable rate shall be that in force on the first day of the second quarter for which the certificate is valid.
IX. Aid for the marketing of sugar produced in the French overseas departments	
(a) Transport aid referred to in Article 2 of Council Regulation (EEC) No 2225/86 (8).	Rate applicable on the date of completion of the bill of lading for the transported sugar.
(b) Aid referred to in Article 3 of Regulation (EEC) No 2225/86.	Rate applicable on the day on which the quantity in question was refined.
X. Aid for the adaptation of the refining industry	
(a) Aid provided for in Article 9 (4b) of Regulation (EEC) No 1785/81.	Rate applicable on the day on which the amount of raw sugar in question was refined, and for the Member State in which the refining was carried out.
XI. Aid for the adaptation of the refining industry in Portugal	
Aid provided for in Article 9 (4c) of Regulation (EEC) No 1785/81.	Rate applicable on the day on which the amount of raw sugar in question was refined.
XII. National aids referred to in Article 46 of Regulation (EEC) No 1785/81	
(a) Aid provided for in Article 46 (1) to (4) of Regulation (EEC) No 1785/81 (Italy).	Rate applicable on 1 January of the marketing year during which the sugar beet and sugar were produced.
(b) Aid provided for in Article 46 (6) of Regulation (EEC) No 1785/81 (United Kingdom).	Rate applicable on the day on which the amount of preferential raw sugar in question was refined, and for the Member State in which the refining was carried out.

Amount concerned	Conversion rate to be applied
XIII. Aid provided for in Regulation (EEC) No 3814/92 (Spain)	
(a) Aid to beet and cane producers referred to in Article 2 (1) and (2) of Regulation (EEC) No 3814/92.	Rate applicable on the day on which the beet and cane in question were processed into sugar.
(b) Aid for stocks at 31 December 1992 referred to in Article 2 (3) of Council Regulation (EEC) No 3814/92 (*).	Rate applicable on the day on which the quantity in question was disposed of within the meaning of Article 12 of Regulation (EEC) No 1998/78.
XIV. Trade with third countries	
All import and export levies and export refunds provided for pursuant to Regulation (EEC) No 1785/81 :	
(a) with advance fixing of the agricultural conversion rate ;	Rate application on the day on which the application for advance fixing was lodged.
(b) without advance fixing of the agricultural conversion rate or after expiry of the advance-fixing period referred to in Article 6 of Regulation (EEC) No 3813/92.	Rate applicable on the day on which the customs declaration was accepted.
XV. Securities	
All securities provided for pursuant to Regulation (EEC) No 1785/81.	Rate applicable on the day on which the security was lodged.
XVI. Aid to the remotest regions	
(a) Flat-rate aid per hectare for the cultivation of sugar cane in the French overseas departments provided for in Article 17 of Regulation (EEC) No 3763/91.	Rate applicable on 1 July of the marketing year during which the cane was planted and/or the land improvement operation was completed.
(b) Aid for direct processing of sugar cane into agricultural rum in the French overseas departments provided for in Article 18 of Regulation (EEC) No 3763/91.	Rate applicable on the day on which the cane juice in question was distilled.
(c) Aid for the specific supply of sugar to the Azores and Madeira and the Canary Islands pursuant to Article 3 of Regulations (EEC) No 1600/92 and (EEC) No 1601/92.	Rate applicable on the day on which the aid certificate was endorsed by the competent authorities of the place of destination. In the case of advance fixing in accordance with Article 6 (1) of Regulation (EEC) No 3813/92, the applicable rate shall be that in force on the day on which the application for an aid certificate was lodged.
(d) Flat-rate aid per hectare for sugar beet production in the Azores provided for in Article 25 (1) of Regulation (EEC) No 1600/92.	Rate applicable on 1 July of the marketing year in which the beet was produced.
(e) Special aid for the processing of sugar beet harvested in the Azores into white sugar provided for in Article 25 (2) of Regulation (EEC) No 1600/92.	Rate applicable on the day on which the sugar beet was processed into white sugar.

(1) OJ No L 246, 27. 9. 1977, p. 12.
(2) OJ No L 91, 12. 4. 1968, p. 5.
(3) OJ No L 158, 9. 6. 1982, p. 17.
(4) OJ No L 262, 16. 9. 1981, p. 14.
(5) OJ No L 9, 14. 1. 1982, p. 14.
(6) OJ No L 231, 23. 8. 1978, p. 5.
(7) OJ No L 177, 1. 7. 1981, p. 39.
(8) OJ No L 194, 17. 7. 1986, p. 7.
(9) OJ No L 387, 31. 12. 1992, p. 7.