Council Regulation (EC) No 2011/2006 of 19 December 2006 adapting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Regulation (EC) No 318/2006 on the common organisation of the markets in the sugar sector and Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community, by reason of the accession of Bulgaria and Romania to the European Union

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adapting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Regulation (EC) No 318/2006 on the common organisation of the markets in the sugar sector and Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community, by reason of the accession of Bulgaria and Romania to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania (hereinafter referred to as '2005 Act of Accession'), and in particular Article 20 in conjunction with Annex IV, and Article 56, thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers[(1)] amended *inter alia* the provisions on seed aid ceilings by reason of the 2004 accession and introduced direct support schemes for farmers in the sugar sector. Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector[(2)] introduced common rules governing the common organisation of the markets in the sugar sector from the marketing year 2006/2007. Regulation (EC) No 320/2006[(3)] established a temporary scheme for the restructuring of the sugar industry in the Community.

(2) Those general rules and measures should be adapted to allow their implementation in Bulgaria and Romania as from the date of accession of those countries to the European Union.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 2011/2006. (See end of Document for details)*

(3) With a view to allowing Bulgaria and Romania to benefit from the support measures in the sugar sector provided for under Regulation (EC) No 1782/2003, it is appropriate to amend the national ceilings for Bulgaria and Romania, taking into account the additional amount of aid. In order to provide Bulgaria and Romania with the possibility of granting the sugar direct payment in the form of a separate direct payment, it is appropriate to amend the national ceilings on the sugar reference amounts. In order to apply the provisions on the separate sugar payment in Bulgaria and Romania it is appropriate to adjust the periods for implementation accordingly.

(4) With a view to allowing Bulgaria and Romania to integrate seed aid into the support schemes provided for under Regulation (EC) No 1782/2003, it is appropriate to add Bulgaria and Romania to the list of countries concerned by that measure.

(5) The 2005 Act of Accession and this Regulation both amend Regulation (EC) No 1782/2003 and those amendments should come into force on the same day. In the interest of legal certainty, the order in which those amendments are to be applied should be specified.

(6) With a view to applying in Bulgaria and Romania the mechanisms on a production quota system for sugar, isoglucose and inulin syrup, as well as a traditional supply need of sugar for refining as provided for in Regulation (EC) No 318/2006, both countries should be added to the list of countries benefiting from these measures. Further adaptations should also be made to that Regulation to take account the specific situation of Bulgaria and Romania.

(7) With a view to allowing operators in Bulgaria and Romania to participate in the restructuring scheme provided for in Regulation (EC) No 320/2006, that Regulation needs to be adapted.

(8) Regulations (EC) No 1782/2003, (EC) No 318/2006 and (EC) No 320/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1782/2003 as amended, including by the 2005 Act of Accession, is hereby amended as follows:

1. in Article 71c, the following paragraph shall be inserted after the first paragraph:

   In the case of Bulgaria and Romania, the schedule of increments provided for under Article 143a shall apply for sugar and chicory.;

2. Article 143ba shall be amended as follows:

   (a) in paragraph 1, the text after the first sentence is shall be replaced by the following:

   It shall be granted in respect of a representative period which could be different for each product of one or more of the marketing years 2004/2005, 2005/2006 and 2006/2007 to be determined by Member States

before 30 April 2006, and on the basis of objective and non-discriminatory criteria such as:

— the quantities of sugar beet, cane or chicory covered by delivery contracts concluded in accordance with Article 19 of Regulation (EC) No 1260/2001 or Article 6 of Regulation (EC) No 318/2006 as appropriate,

— the quantities of sugar or inulin syrup produced in accordance with Regulation (EC) No 1260/2001 or Regulation (EC) No 318/2006 as appropriate,

— the average number of hectares under sugar beet, cane or chicory used for the production of sugar or inulin syrup and covered by delivery contracts concluded in accordance with Article 19 of Regulation (EC) No 1260/2001 or Article 6 of Regulation (EC) No 318/2006 as appropriate.

However, where the representative period includes the marketing year 2006/2007, this marketing year shall be replaced by the marketing year 2005/2006 for farmers affected by a renunciation of quota in the marketing year 2006/2007 as provided for in Article 3 of Regulation (EC) No 320/2006.

In the case of Bulgaria and Romania:

(a) the date of 30 April 2006 referred to in the first subparagraph shall be replaced by 15 February 2007;

(b) the separate sugar payment may be granted in respect of the years from 2007 until 2011;

(c) the representative period referred to in the first subparagraph may be different for each product of one or more of the marketing years 2004/2005, 2005/2006, 2006/2007 and 2007/2008;

(d) where the representative period includes the marketing year 2007/2008, this marketing year shall be replaced by the marketing year 2006/2007 for farmers affected by a renunciation of quota in the marketing year 2007/2008 as provided for in Article 3 of Regulation (EC) No 320/2006.;

(b) the following paragraph shall be added after paragraph 3:

3a. For 2007, for Bulgaria and Romania, the date of 31 March referred to in the paragraph 3 shall be replaced by 15 February 2007.;

3. Annexes VII, VIIIa and XIa shall be amended in accordance with Annex I to this Regulation.

Article 2

Regulation (EC) No 318/2006 is hereby amended as follows:

1. in Article 7(2), the following subparagraph shall be added:

For the purposes of this paragraph, in the case of Bulgaria and Romania the marketing year shall be that of 2006/2007.;

2. Article 9(1) shall be replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 2011/2006. (See end of Document for details)*

1. In the marketing year 2006/2007 an isoglucose quota of 100 000 tonnes shall be added to the total of isoglucose quota fixed in Annex III. In each of the marketing years 2007/2008 and 2008/2009 a further isoglucose quota of 100 000 tonnes shall be added to the quota of the preceding marketing year. This increase shall not concern Bulgaria and Romania.

   In each of the marketing years 2007/2008 and 2008/2009 a further isoglucose quota of 11 045 tonnes for Bulgaria and of 1 966 tonnes for Romania shall be added to the quota of the preceding marketing year.

   Member States shall allocate the additional quotas to undertakings, proportionately to the isoglucose quotas that have been allocated in accordance with Article 7(2).;

3. Article 29(1) shall be replaced by the following:

1. Notwithstanding Article 19(1), a traditional supply need of sugar for refining is fixed for the Community at 2 324 735 tonnes per marketing year, expressed in white sugar.

   During the marketing years 2006/2007, 2007/2008 and 2008/2009, the traditional supply need shall be distributed as follows:
   — 198 748 tonnes for Bulgaria,
   — 296 627 tonnes for France,
   — 291 633 tonnes for Portugal,
   — 329 636 tonnes for Romania,
   — 19 585 tonnes for Slovenia,
   — 59 925 tonnes for Finland,
   — 1 128 581 tonnes for the United Kingdom.

4. Annex III shall be replaced by the text in Annex II to this Regulation.

Article 3

In Article 3(1) of Regulation (EC) No 320/2006, the introductory words of the first subparagraph shall be replaced by the following:

> Any undertaking producing sugar, isoglucose or inulin syrup to which a quota has been allocated by 1 July 2006, or by 31 January 2007 in the case of Bulgaria and Romania, shall be entitled to a restructuring aid per tonne of quota renounced, provided that during one of the marketing years 2006/2007, 2007/2008, 2008/2009 and 2009/2010 it:

Article 4

This Regulation shall enter into force on 1 January 2007 subject to the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 2011/2006. (See end of Document for details)*

Done at Brussels, 19 December 2006.

For the Council

The President

J. KORKEAOJA