# Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector

## COMMISSION REGULATION (EC) No 951/2006

## of 30 June 2006

## laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector[(1)], and in particular Articles 23(4) and 40(1) thereof,

Whereas:

(1) Regulation (EC) No 318/2006 establishes provisions applicable to import and export licences, the granting of export refunds and the management of imports in the sugar sector. With a view to improving the transparency of the rules applicable to trade with third countries in the sugar sector, the detailed rules for the application of those provisions should be brought together in one single regulation.

(2) Article 32 of Regulation (EC) No 318/2006 provides for the possibility to grant refunds on exports to third countries in order to cover the difference between the prices on the world market and prices within the Community.

(3) In order to ensure equal treatment as regards the determination of the amount of the export refund, a standard method for determining the sucrose content of certain products should be laid down. It is also necessary to establish specific criteria to cover cases where the standard method does not allow the total sucrose content to be determined. In the case of syrups with a relatively low degree of purity, the sucrose content should be fixed at a flat rate on the basis of the extractable sugar content.

(4) Candy sugar, which is manufactured from white sugar or refined raw sugar, very often has a degree of polarisation of less than 99,5 %. In view of the high degree of purity of the raw material used, the refund on candy sugar should be as close as possible to the refund on white sugar. Therefore a precise definition of candy sugar should be laid down.

(5) In case it is decided to grant export refund on isoglucose, limits should be laid down as regards the fructose and polysaccharide content in order to ensure that the refund is granted only on the true product as such.

(6) Article 23(1) of Regulation (EC) No 318/2006 lays down that imports into the Community or exports therefrom, of any of the products listed in Article 1(1) of that

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EC) No 951/2006. (See end of Document for details)*

Regulation, except those under point (h) of that Article, shall be subject to presentation of an import or export licence. Detailed rules should be established for the purpose of determining in particular the information to be indicated in licence applications and in licences, the conditions applicable to the issuing of licences, including the securities to be lodged, as well as the terms of validity of the issued licence.

(7) In accordance with Article 34 of Regulation (EC) No 318/2006, observance of the export volume commitments resulting from the agreements concluded in accordance with Article 300 of the Treaty should be ensured on the basis of the system of export licences. To this end, the licences applied for should be issued following a reflection period enabling the Commission to assess the quantities applied and to take measures in cases where acceptance of the applications in question would result in an overshoot or risk of overshoot of the volume and/or appropriations set in those agreements for the marketing year in question. For this purpose, Member States should be required to notify without delay all applications for licences involving periodic refunds. Applicants for export refunds should be allowed to withdraw their application on certain terms if an acceptance percentage has been set.

(8) The accurate and regular monitoring of trade with third countries is the only way to monitor developments closely in the light of the constraints arising from the Community's commitments under the agreements concluded in accordance with Article 300 of the Treaty and to take, as appropriate, the measures required, in particular for the application of Article 19 (1) of Regulation (EC) No 318/2006. Therefore the Commission should receive on a regular basis the relevant information not only on imports and exports of products for which refunds have been fixed, in accordance with Article 32 and 33 of Regulation (EC) No 318/2006 but also on imports and exports of products exported without refund, with or without a licence in free circulation on the Community market as well as those covered by inward processing arrangements.

(9) In order to ensure stability of the Community sugar markets and to avoid that market prices fall below the reference prices for sugar it is considered necessary to provide for the application of additional import duties.

(10) Article 27(2) of Regulation (EC) No 318/2006 lays down that imports made at a price below the trigger price communicated to the World Trade Organisation may be subject to an additional import duty.

(11) For the application of the additional import duty the cif import price of the consignment in question has to be taken into consideration. The cif import price has to be checked against the representative prices for the product concerned on the world market or on the Community import market for that product. To that objective it is necessary to establish the criteria for determining the representative cif import prices for the products to which an additional import duty may be applied. For the determination of the representative cif import prices the Commission should take account of all the information available to it either directly or through the communication of such relevant information by the Member States.

(12) Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of

agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98[(2)] opens an annual tariff quota of 600 000 tonnes of molasses originating in the ACP, under which import customs duties are reduced by 100 %. In that perspective, and taking into account that imports of molasses within this quantitative limit are unlikely to lead to disturbances of the Community market, it is considered inappropriate to impose additional duties on such imports, as this would be contrary to the very purpose of facilitating imports of agricultural products from the African, Caribbean and Pacific States (ACP States) into the Community. The total import duty applicable to cane molasses originating in those states should therefore be reduced to zero.

(13) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(3)] codified the management rules for tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations.

(14) The detailed rules laid down in this Regulation replace those laid down in Commission Regulations (EEC) No 784/68 of 26 June 1968 laying down detailed rules for calculating cif prices for white sugar and raw sugar[(4)], (EEC) No 785/68 of 26 June 1968 determining the standard quality and laying down detailed rules for calculating the cif price for molasses[(5)], (EC) No 1422/95[(6)], (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses[(7)], (EC) No 1464/95 of 27 June 1995 on special detailed rules for the application of the system of import and export licences in the sugar sector[(8)] and (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector[(9)]. Those regulations should thus be repealed for the sake of transparency and legal clarity.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

## SCOPE AND DEFINITIONS

### *[F1 Article 1*

### Scope

1 This Regulation lays down, in accordance with Part III of Council Regulation (EC) No 1234/2007[(10)], the special detailed rules for the application of the system of import and export licences, the granting of export refunds and the management of imports, in particular the application of additional import duties in the sugar sector.

2 Commission Regulation (EC) No 376/2008[(11)] shall apply, save as otherwise provided in this Regulation.**]**

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EC) No 951/2006. (See end of Document for details)*

**Textual Amendments**

**F1** Substituted by Commission Implementing Regulation (EU) No 786/2012 of 30 August 2012 amending and correcting Regulation (EC) No 951/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector.

*Article 2*

**Definitions**

For the purposes of this Regulation:

1. 'periodic refund' means the export refund fixed at regular intervals as referred to in Article 33(2)(a) of Regulation (EC) No 318/2006;

2. 'candy sugar' means sugar which:

   (a) comprises large crystals at least 5 mm in length, obtained by cooling and slow crystallisation of a sufficiently concentrated sugar solution, and

   (b) contains 96 % or more sucrose by weight in the dry state, determined in accordance with the polarimetric method.

## CHAPTER II

## EXPORT REFUNDS

*Article 3*

**Determination of the sucrose content of various sugar syrups eligible for export refund**

1 The export refund per 100 kilograms of products listed in Article 1(1)(c) of Regulation (EC) No 318/2006 shall be equal to a basic amount multiplied by the sucrose content of the product in question as determined plus, where applicable, the content of other sugars calculated in sucrose equivalent.

**[**F2 2 Without prejudice to paragraphs 3 and 4, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be calculated in accordance with points (d) and (e) of Article 3(3) of Commission Regulation (EC) No 952/2006[12].

3 In the case of syrups of a purity of not less than 85 % but less than 94,5 %, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be fixed at a flat rate of 73 % by weight in the dry state.**]**

4 In the case of caramel obtained exclusively from non-denatured sugar covered by CN code 1701, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be determined on the basis of the dry matter content. The dry matter content shall be determined on the basis of the density of the diluted solution in a weighted ratio of one to one. The result of the determination of the dry matter content shall be expressed as sucrose by multiplying it by a coefficient of one.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 951/2006. (See end of Document for details)*

However, on request, to take account of caramel as referred to in the first subparagraph, the actual amount used of sucrose plus, where applicable, the content of other sugars expressed as sucrose may be determined where the candy has been manufactured under a customs warehousing or free zone procedure providing equivalent guarantees.

5 The basic amount referred to in paragraph 1 shall not apply to syrups with a purity of less than 85 %.

**Textual Amendments**

**F2** Substituted by Commission Regulation (EC) No 910/2008 of 18 September 2008 amending Regulation (EC) No 951/2006 in respect of laying down detailed rules for out-of-quota exports in the sugar sector.

*Article 4*

**Export refund for isoglucose**

Export refunds may only be granted on the products listed in Article 1(1)(d) and (g) of Regulation (EC) No 318/2006 where the products:

(a) are obtained by isomerisation of glucose;

(b) have a fructose content by weight in the dry state of not less than 41 %;

(c) have a total content by weight in the dry state of polysaccharides and oligosaccharides, including di- and trisaccharides, of not more than 8,5 %.

The dry matter content of isoglucose shall be determined on the basis of the density of the diluted solution in a proportion by weight of one to one or, in the case of products with a very high consistency, by drying.

*[F3 Article 4a*

**Export refund for certain sugars used in certain products processed from fruit and vegetables**

1 In accordance with Article 32 of Regulation (EC) No 318/2006, an export refund may be granted in respect of white sugar and raw sugar falling within CN code 1701, isoglucose falling within CN codes 1702 40 10, 1702 60 10 and 1702 90 30 and beet syrup and cane syrup falling within CN code 1702 90 95 used for the manufacture of the products of the processed fruit and vegetables sector referred to in Annex VIII to Regulation (EC) No 318/2006.

2 The amount of the refund shall equal the amount of the periodic export refund as fixed on the sugar products referred to in paragraph 1 exported without further processing.

3 In order to benefit from the refund, processed products shall be accompanied, upon export, by a declaration from the applicant stating the quantities of raw and white sugar and beet and cane syrups and isoglucose used for the manufacture.

Member States shall check the accuracy of the declaration on a sample of at least 5 % selected on the basis of a risk analysis. Such checks shall be carried out on the stock records kept by the manufacturer.

4 The refund shall be paid upon submission of proof that: