COMMISSION REGULATION (EC) No 594/2004

of 30 March 2004

determining the operative events applicable to products in the fruit and vegetables sector and to processed fruit and vegetable products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ([1]), and in particular Article 3(2) thereof,

Whereas:

(1) Regulation (EC) No 2799/98 introduced new agrimonetary arrangements from 1 January 1999. The detailed rules for applying those arrangements are laid down in Commission Regulation (EC) No 2808/98 ([2]). That Regulation determines the operative events for the applicable conversion rates on the basis of the criteria set out in Article 3 of Regulation (EC) No 2799/98, without prejudice to further details to be specified or derogations to be provided for, where necessary, by regulations covering the product groups concerned. The operative events for the conversion rates applicable to products in the fruit and vegetables sector and to processed fruit and vegetable products should therefore be laid down and grouped in a single regulation.

(2) Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ([3]) and Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ([4]) have been frequently amended. In the interests of clarity, Commission Regulation (EC) No 293/98 of 4 February 1998 determining the operative events applicable to products in the fruit and vegetables sector, to processed fruit and vegetable products and partly to live plants and floricultural products and to certain products listed in Annex II to the EC Treaty, and repealing Regulation (EC) No 1445/93 ([5]) should be repealed and replaced by a new regulation.

(3) The second subparagraph of Article 4(1) of Commission Regulation (EC) No 1432/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 regarding the conditions for recognition of producer organisations and preliminary recognition of producer groups ([6]) fixes the minimum volume of marketable production required of recognised producer organisations pursuant to Article 11(2)(a) of Regulation (EC) No 2200/96. Since the volumes concerned are annual, the operative event for the agricultural conversion rate for these volumes should be defined under Article 3(2) of Regulation (EC) No 2799/98 as falling on 1 January of the relevant year.

(4) Article 15(3) of Regulation (EC) No 2200/96 lays down the conditions in which Member States may set a limit on the supplement to the Community withdrawal compensation paid by the operational funds. These maximum national supplements are set out in Annex II to Commission Regulation (EC) No 103/2004 of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetable sector ([7]). The operative event applicable to the corresponding withdrawal compensation should apply to the conversion rate of this limit and maximum supplement.

(5) Point 3 of Annex I to Commission Regulation (EC) No 1433/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance ([8]) determines the maximum amount of overheads eligible for inclusion in an operational programme. Since the amount concerned is annual, the conversion rate applicable to the other elements of the operational fund concerned pursuant to Article 3(2) of Regulation (EC) No 2799/98, and, as an exception, to Article 4(2) of Regulation (EC) No 2808/98, should apply to that amount.

([1]) OJ L 349, 24.12.1998, p. 1.
([2]) OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 2304/2003 (OJ L 342, 30.12.2003, p. 6).
([3]) OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).
([4]) OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).
([5]) OJ L 30, 5.2.1998, p. 16. Regulation as last amended by Regulation (EC) No 1410/1999 (OJ L 164, 30.6.1999, p. 53).
([6]) OJ L 203, 12.8.2003, p. 18.
([7]) OJ L 16, 23.1.2004, p. 3.
([8]) OJ L 203, 12.8.2003, p. 25.

(6) The fourth indent of Article 3(1) of Regulation (EC) No 2808/98 provides that in the case of withdrawals of products in the fruit and vegetables sector the operative event for the conversion rate falls on the first day of the month in which the withdrawal takes place. That rule should apply not only to withdrawal operations carried out in accordance with Article 23(1) of Regulation (EC) No 2200/96, but also because related or similar operations are involved, to the aid towards the cost of transport of fruit and vegetables distributed free as provided for by Article 16(1) of Regulation (EC) No 103/2004 in accordance with Article 30(6) of Regulation (EC) No 2200/96, and to the maximum costs of sorting and packaging of products distributed free borne by the Community as provided for in Article 17 of Regulation (EC) No 103/2004 in accordance with Article 30(6) of Regulation (EC) No 2200/96.

(7) Article 2(3) of Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1] provides for a flat-rate amount to be deducted from prices recorded in accordance with Article 2(2) where those prices are established at the wholesaler/retailer stage. Article 5(2) of Regulation (EEC) No 2808/98 should apply in this case by analogy.

(8) Article 5(2) of Regulation (EC) No 2808/98 should apply to the calculation of the standard import value referred to in Article 4(1) of Regulation (EC) No 3223/94.

(9) For the purpose of applying Article 5(1)(a) and Article 5(1a)(a) of Regulation (EC) No 3223/94 (invoice method), the entry price of the lot concerned must be expressed in euro. By analogy with Article 2 of Regulation (EC) No 2808/98, the conversion rates applicable must be those in force on the date of acceptance of the customs declaration.

(10) Export refunds as provided for in Article 35 of Regulation (EC) No 2200/96 are included in the arrangements for trade with third countries introduced by Title V of that Regulation. Article 2 of Regulation (EC) No 2808/98 should therefore apply.

(11) Article 2 of Regulation (EC) No 2201/96 introduces a production aid scheme for certain products processed from tomatoes, peaches and pears. That scheme provides for aid to be granted to producer organisations. Similarly, Article 6a of that Regulation introduces a production aid scheme for dried figs and prunes. That scheme provides for aid to be granted to processors provided they pay a minimum price to producers. Owing to the very large number of operators, processors and producers involved, the operative event for the conversion rate pursuant to Article 3(2) of Regulation (EC) No 2799/98, and as an exception to Article 3(2) of Regulation (EC) No 2808/98, should fall on the first day of the month in which the processor takes over the products. This taking-over should be defined.

(12) Article 3(1) of Regulation (EC) No 2808/98 should apply to the buying-in price for dried grapes and dried figs as referred to in Article 9(2) of Regulation (EC) No 2201/96.

(13) Article 9(4) of Regulation (EC) No 2201/96 provides for storage aid for dried grapes and figs. That aid is granted for the actual duration of storage. For reasons of administrative practicability, a monthly operative event should be determined in accordance with Article 3(2) of Regulation (EC) No 2799/98 for granting the aid.

(14) Article 3(1) of Regulation (EEC) No 2808/98 should apply to the selling prices fixed in advance in euro pursuant to Article 9(7) of Regulation (EC) No 2201/96 for dried grapes and figs held by the storage agencies.

(15) The second indent of Article 5(4) of Regulation (EEC) No 2808/98 should apply to the securities referred to in the second subparagraph of Article 9(3) and the second subparagraph of Article 9(7) of Regulation (EC) No 2201/96.

(16) Export refunds as provided for in Article 16 of Regulation (EC) No 2201/96 and export levies on certain products containing added sugar as provided for in Article 20 of that regulation are part of the arrangements for trade with third countries introduced by Title II of that regulation. Article 2 of Regulation (EC) No 2808/98 should therefore apply.

(17) The scheme introduced by Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits [2] provides for aid to producer organisations for lemons, grapefruit, oranges, mandarins, clementines and satsumas supplied to processors under contracts. Owing to the very large number of operators, processors and producers involved, the operative event for the conversion rate pursuant to Article 3(2) of Regulation (EC) No 2799/98, and as an exception to Article 3(2) of Regulation (EC) No 2808/98, should fall on the first day of the month in which the processor takes over the products. Taking over occurs when a delivery certificate as provided for in Article 17(2) of Commission Regulation (EC) No 2111/2003 of 1 December 2003 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits [3] is drawn up.

[1] OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

[2] OJ L 297, 21.11.1996, p. 49. Regulation as last amended by Commission Regulation (EC) No 1933/2001 (OJ L 262, 2.10.2001, p. 6).

[3] OJ L 317, 2.12.2003, p. 5.