

Council Regulation (EC) No 2013/2006 of 19 December
2006 amending Regulations (EEC) No 404/93, (EC) No
1782/2003 and (EC) No 247/2006 as regards the banana sector

Article 1

Amendments to Regulation (EEC) No 404/93

Regulation (EEC) No 404/93 is hereby amended as follows:

1. Titles II and III, Articles 16 to 20, Article 21(2), Article 25 and Articles 30 to 32 shall be deleted;

2. In Article 27, paragraph 1 shall be replaced by the following:

1. The Commission shall be assisted by the Management Committee for Fresh Fruit and Vegetables referred to in Article 46(1) of Regulation (EC) No 2200/96.

References to the Management Committee for Bananas shall be construed as references to the Committee referred to in the first subparagraph.;

3. Article 29 shall be replaced by the following:

Article 29

Member States shall provide the Commission with the information it requires to implement this Regulation.;

4. The following Article shall be inserted:

Article 29a

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure referred to in Article 27(2).

Article 2

Amendments to Regulation (EC) No 1782/2003

Regulation (EC) No 1782/2003 as amended, including by the 2005 Act of Accession, and Regulation (EC) No 2011/2006 (Sugar and Seeds), is hereby amended as follows:

1. In Article 33(1), point (a) shall be replaced by the following:

(a) they have been granted a payment in the reference period referred to in Article 38 under at least one of the support schemes referred to in Annex VI or, in the case of olive oil, in the marketing years referred to in the second subparagraph of Article 37(1), or, in the case of sugar beet, cane and chicory, if they have benefited from market support in the representative period referred to in point K of Annex VII, or, in the case of bananas, if they have benefited from compensation for loss of income in the representative period referred to in point L of Annex VII.;

2. In Article 37(1), the following subparagraph shall be added:

For bananas the reference amount shall be calculated and adjusted in accordance with point L of Annex VII.;

3. In Article 40, paragraph 2 shall be replaced by the following:
2. If the whole reference period was affected by the case of *force majeure* or exceptional circumstances, the Member State shall calculate the reference amount on the basis of the 1997 to 1999 period or, in case of sugar beet, cane and chicory on the basis of the closest marketing year prior to the representative period chosen in accordance with point K of Annex VII, or, in case of bananas on the basis of the closest marketing year prior to the representative period chosen in accordance with point L of Annex VII. In this case, paragraph 1 shall apply *mutatis mutandis*.;
4. In Article 43(2), point (a) shall be replaced by the following:
 - (a) in case of potato starch, dried fodder, seed, olive groves, and tobacco aids listed in Annex VII, the number of hectares whose production has been granted the aid in the reference period, as calculated in points B, D, F, H, I of Annex VII, in case of sugar beet, cane and chicory, the number of hectares as calculated in accordance with point 4 of point K of that Annex and in the case of bananas, the number of hectares as calculated in accordance with point L of that Annex.;
5. In Article 44(2), the second subparagraph, the words ‘or planted with bananas,’ shall be inserted after the words ‘or being under temporary resting obligation,’;
6. In Article 51, point (a), the words ‘or bananas’ shall be added after the word ‘hops’ at the end;
7. In Article 145, the following point shall be inserted after point (d)b):
 - (d)c) detailed rules relating to the inclusion of banana support into the Single Payment Scheme.;
8. Article 155 shall be replaced by the following:

Article 155

Other transitional rules

Further measures required to facilitate the transition from the arrangements provided for in the Regulations referred to in Articles 152 and 153, in Regulation (EC) No 1260/2001 and in Council Regulation (EEC) No 404/93⁽¹⁾ to those established by this Regulation, notably those related to the application of Articles 4 and 5 and the Annex to Regulation (EC) No 1259/1999 and Article 6 of Regulation (EC) No 1251/1999 and from the provisions related to the improvement plans provided for in Regulation (EEC) No 1035/72 to those referred to in Articles 83 to 87 of this Regulation, may be adopted in accordance with the procedure referred to in Article 144(2) of this Regulation. Regulations and Articles referred to in Articles 152 and 153 shall continue to apply for the purpose of the establishment of the reference amounts referred to in Annex VII.

9. The Annexes shall be amended in accordance with the Annex to this Regulation.

Article 3

Amendment to Regulation (EC) No 247/2006

Regulation (EC) No 247/2006 is hereby amended as follows:

1. Article 23 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

1. The measures provided for in this Regulation, except for Article 16, shall constitute intervention intended to stabilise the agricultural markets within the meaning of Article 2(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽²⁾ for the period up to 31 December 2006. With effect from 1 January 2007 the same measures shall constitute intervention to regulate agricultural markets within the meaning of Article 3(1)(b), or direct payments to farmers under Article 3(1)(c), of Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽³⁾;

(b) paragraph 2 shall be replaced by the following:

2. The Community shall finance the measures provided for in Titles II and III of this Regulation up to an annual maximum as follows:

(million EUR)

	Financial year 2007	Financial year 2008	Financial year 2009	Financial year 2010 and further
French overseas departments	126,6	262,6	269,4	273
Azores and Madeira	77,9	86,6	86,7	86,8
Canary Islands	127,3	268,4	268,4	268,4

(c) paragraph 4 shall be replaced by the following:

4. The annual amounts referred to in paragraphs 2 and 3 shall include any expenditure incurred in accordance with the Regulations referred to in Article 29.;

2. The following Article shall be inserted:

Article 24a

1 By 15 March 2007, Member States shall submit to the Commission the draft amendments to their overall programme to reflect the changes introduced by Regulation (EC) No 2011/2006⁽⁴⁾.

2 The Commission shall evaluate the amendments proposed and decide on their approval within four months of their submission at the latest in accordance with the procedure referred to in Article 26(2).

3 By way of derogation from Article 24(3), the amendments shall apply from 1 January 2007.;

3. In Article 28, paragraph 3 shall be replaced by the following:

3. Not later than 31 December 2009, and thereafter every five years, the Commission shall submit a general report to the European Parliament and the Council showing the impact of the action taken under this Regulation, including in the banana sector, accompanied if applicable by appropriate proposals.;

4. In Article 30, the following paragraph shall be added:

In accordance with the same procedure, the Commission may also adopt measures to facilitate the transition from the arrangements provided for in Council Regulation (EEC) No 404/93⁽⁶⁾ to those established by this Regulation.

Article 4

Transitional measures

1 Notwithstanding Article 1, point (1) of this Regulation:

- Member States shall continue to apply Articles 5, 6 and 25(2) of Regulation (EEC) No 404/93 to producers' organisations which they have recognised no later than 31 December 2006 and to whom aid has already been paid under Article 6(2) of that Regulation prior to that date, and
- Article 12 of that Regulation shall continue to apply in respect of the compensatory aid scheme for 2006.

2 Detailed rules necessary for the implementation of paragraph 1 shall be adopted in accordance with the procedures referred to in Article 27(2) of Regulation (EEC) No 404/93.

Article 5

Entry into force

This Regulation shall enter into force on 1 January 2007.

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

Done at Brussels, 19 December 2006.

For the Council

The President

J. KORKEAOJA

- (1) [OJ L 47, 25.2.1993, p. 1.](#)
- (2) [OJ L 160, 26.6.1999, p. 103.](#) Regulation repealed by Regulation (EC) No 1290/2005 ([OJ L 209, 11.8.2005, p. 1.](#)).
- (3) [OJ L 209, 11.8.2005, p. 1.](#) Regulation as last amended by Regulation (EC) No 320/2006.;
- (4) See page 1 of this Official Journal.;
- (5) [OJ L 47, 25.2.1993, p. 1.](#) Regulation as last amended by the 2003 Act of Accession.?