# COMMISSION REGULATION (EEC) No 1328/78
## of 16 June 1978
## fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (1), as last amended by Regulation (EEC) No 1154/78 (2), and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices on the world market and prices in the Community for the products referred to in that Article may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts (3), as amended by Regulation (EEC) No 2455/72 (4), provides that the refunds are to be fixed in the light of the current situation or foreseeable developments with regard to both prices and availabilities of fruit and vegetables on the Community market and to prices on the world markets; whereas account must also be taken of the costs referred to in (b) of the said Article and of the economic aspects of the intended exports;

Whereas Article 3 of Regulation (EEC) No 2518/69 provides that prices on the Community market shall be fixed in the light of the ruling prices most favourable for exports; whereas prices on world markets shall be determined in the light of the prices and quotations referred to in paragraph 2 of the said Article;

Whereas the situation on world markets or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas sweet fresh oranges, fresh mandarins, fresh lemons, apples and peaches of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I hothouse and outdoor-grown grapes, shelled almonds and hazelnuts, and walnuts in shell may at present be exported in economically significant quantities;

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2·25 %, a rate of exchange based on their effective parity;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous subparagraph;

Whereas it follows from applying these rules and criteria to the present situation on the market of the prospective development of this situation, and in particular to quotations and prices for fruit and vegetables within the Community and on the world market that the refund should be fixed as set out below;

Whereas the obligations under Article 6 (1) (b) of Commission Regulation (EEC) No 192/75 of 17 January 1975 laying down detailed rules for the application of export refunds in respect of agricultural products (5), as last amended by Regulation (EEC) No 1469/77 (6), may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 11 (4) (c) of Regulation (EEC) No 192/75 may be applied;

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

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 144, 31. 5. 1978, p. 5.
(3) OJ No L 318, 18. 12. 1969, p. 17.
(4) OJ No L 266, 25. 11. 1972, p. 7.
(5) OJ No L 25, 31. 1. 1975, p. 1.
(6) OJ No L 162, 1. 7. 1977, p. 9.

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The export refunds on fruit and vegetables are hereby fixed at the amounts indicated in the Annex hereto.

2. The provisions of Articles 6 (1) (b) and 11 (4) (c) of Commission Regulation (EEC) No 192/75 shall apply to exports of sweet oranges, mandarins, table grapes grown outdoors, walnuts in shell, shelled hazelnuts, apples and peaches as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 17 June 1978.

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

Done at Brussels, 16 June 1978.

*For the Commission*

Finn GUNDELACH

*Vice-President*

*ANNEX*

**to the Commission Regulation of 16 June 1978 fixing the export refunds on fruit and vegetables**

*(u.a./100 kg net)*

| CCT heading No | Description | Refund |
|---|---|---|
| ex 08.02 A I | Sweet fresh oranges : | |
| | — of varieties Biondo Comune and Sanguigno Comune ('Extra' Class, Class I and Class II) | 4·40 |
| | — of other varieties ('Extra' Class, Class I and Class II) | 8·00 |
| ex 08.02 B | Fresh mandarins ('Extra' Class, Class I and Class II) | 6·00 |
| ex 08.02 C | Fresh lemons ('Extra' Class, Class I and Class II) | 3·50 |
| ex 08.04 A I | Table grapes : | |
| | — fresh, open ground 'Extra' Class and Class I | 6·00 |
| | — fresh, hothouse 'Extra' Class and Class I | 16·00 |
| ex 08.05 A II | Shelled almonds, other than bitter almonds | 8·00 |
| ex 08.05 B | Walnuts unshelled | 10·00 |
| ex 08.05 G | Shelled hazelnuts | 12·00 |
| ex 08.06 A II | Apples ('Extra' Class, Class I and Class II) other than cider apples : | |
| | — for export to Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoro Islands, Mauritius, Sudan, Ethiopia, the Republic of Jibuti, the countries of the Arabian peninsula (1), Iran and Iraq | 7·00 |
| | — for export to countries and territories of Africa other than those mentioned above and South Africa, Syria, Jordan, countries with a planned economy in central and eastern Europe, Bolivia, Brazil, Venezuela, Peru, Panama, Iceland, Finland, Norway, Sweden, Austria and the Faroe Islands | 3·00 |
| ex 08.07 B | Peaches (excluding pectorins), 'Extra' Class, Class I and Class II | 6·00 |

(1) For the purpose of this Regulation the 'countries of the Arabian peninsula' are considered to be the following, including the territories attached thereto : Saudi Arabia, Bahrain, Qatar, Kuwait, the Sultanate of Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Ummal-Quaiwain, Fujairah, Ras Al Kaiman), Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen).