COMMISSION REGULATION (EC) No 1489/95
of 28 June 1995
setting export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 Commission Regulation (EC) No 1363/95 (2), and in particular Article 26 (11) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (3), and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1488/95 (4) sets implementing rules for export refunds on fruit and vegetables;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 states that, to the extent necessary to permit economically significant exportation, the difference between prices in international trade of the products listed in that Article and their prices in the Community may be covered by export refunds;

Whereas Article 26 (4) of Regulation (EEC) No 1035/72 states that refunds must be fixed with regard to the existing situation and outlook for fruit and vegetable prices on the Community market and supply availability, on the one hand, and prices in international trade on the other hand; whereas account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports;

Whereas refunds are, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Article 26 (5) of Regulation (EEC) No 1035/72 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade prices are to be determined account taken of the prices indicated in the second subparagraph of that paragraph;

Whereas the international trade situation or the special requirements of certain markets may make it necessary to vary the refund on a given product depending on the destination of that product;

Whereas economically significant exports can be made at the present time of tomatoes, lemons, oranges, apples, peaches and nectarines of classes 'extra', I and II of the common quality standards, table grapes of classes 'extra' and I, shelled almonds, hazelnuts and walnuts in shell;

Whereas Council Regulation (EEC) No 990/93 (5) prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations, all of which are specified in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of these in setting refunds;

Whereas the representative market rates as defined in Article 1 of Council Regulation (EEC) No 3813/92 (6), as last amended by Regulation (EC) No 150/95 (7), are used to convert amounts in third country currencies and are the basis for determining the agricultural conversion rates of the Member States' currencies; whereas rules for determining and applying these conversion rates were set by Commission Regulation (EEC) No 1068/93 (8), as last amended by Regulation (EC) No 1053/95 (9);

Whereas application of the rules mentioned above to the present and forecast market situation, in particular to fruit and vegetable prices in the Community and in international trade, leads to the refund rates set in the Annexes hereto;

Whereas, pursuant to Article 26 (2) of Regulation (EEC) No 1035/72, the most efficient possible use should be made of the resources available without creating discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements; whereas, for these reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product;

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 132, 16. 6. 1995, p. 8.
(3) OJ No L 349, 31. 12. 1994, p. 105.
(4) See page 68 of this Official Journal.
(5) OJ No L 102, 28. 4. 1993, p. 14.
(6) OJ No L 387, 31. 12. 1992, p. 1.
(7) OJ No L 22, 31. 1. 1995, p. 1.
(8) OJ No L 108, 1. 5. 1993, p. 106.
(9) OJ No L 107, 12. 5. 1995, p. 4.

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refund rates and quantities eligible for refunds in the fruit and vegetables sector for licences with advance fixing of the refund issued between 1 July 1995 and 30 June 1996 shall be those fixed Annex I hereto.

The indicative rates and quantities for exports without advance fixing of the refund shall be those fixed in Annex II hereto.

2. Quantities for which licences are issued in the context of food aid, as referred to in Article 14a of Commission Regulation (EEC) No 3719/88 (1) laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, shall not count against the eligible quantities referred to in the first paragraph.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 331, 2. 12. 1988, p. 1.

ANNEX I

RATES AND QUANTITIES LAID DOWN FOR THE ALLOCATION OF LICENCES WITH ADVANCE FIXING OF THE REFUND

Product	Product code	Destination code (1)	Refund rate (2) (ECU/ tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995						1996					
				July	August	September	October	November	December	January	February	March	April	May	June
Tomatoes	0702 00 15 100 0702 00 20 100 0702 00 25 100 0702 00 30 100 0702 00 35 100 0702 00 40 100 0702 00 45 100 0702 00 50 100	F	50,8	2 786		3 758		3 297		1 664		7 886		15 407	
Shelled almonds	0802 12 90 000	F	109,3	122		304		336		161		371		494	
Hazelnuts in shell	0802 21 00 000	F	127,7	25		205		87		12		11		15	
Shelled hazelnuts	0802 22 00 000	F	246,3	447		908		1 766		860		694		779	
Walnuts in shell	0802 31 00 000	F	158,3	2		84		241		16		7		2	
Oranges	0805 10 01 200 0805 10 05 200 0805 10 09 200 0805 10 11 200 0805 10 15 200 0805 10 19 200 0805 10 21 200 0805 10 25 200 0805 10 29 200 0805 10 32 200 0805 10 34 200 0805 10 36 200 0805 10 42 200 0805 10 44 200 0805 10 46 200 0805 10 51 200 0805 10 55 200 0805 10 59 200 0805 10 61 200 0805 10 65 200 0805 10 69 200	A C	124,3	1 138		633		30 594		66 505		98 566		21 871	
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	152,5	8 370		2 077		10 100		11 885		20 868		20 388	

Product	Product code	Destination code (1)	Refund rate (2) (ECU/ tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995						1996					
				July	August	September	October	November	December	January	February	March	April	May	June
Table grapes	0806 10 21 200 0806 10 29 200 0806 10 30 200 0806 10 40 200 0806 10 50 200 0806 10 61 200 0806 10 69 200	F	54,7	5 637		20 823		7 934		441				13	
Apples	0808 10 51 910 0808 10 53 910 0808 10 59 910 0808 10 61 910 0808 10 63 910 0808 10 69 910 0808 10 71 910 0808 10 73 910 0808 10 79 910 0808 10 92 910 0808 10 94 910 0808 10 98 910	A B D	90,4	2 517		7 260		8 538		8 860		10 191		7 882	
Peaches and nectarines	0809 30 11 100 0809 30 19 100 0809 30 21 100 0809 30 29 100 0809 30 31 100 0809 30 39 100 0809 30 41 100 0809 30 49 100 0809 30 51 100 0809 30 59 100	E	56,5	4 571		2 609								766	

(1) The destination codes are defined as follows:

A: Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta

B: Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia

C: Switzerland, Czech Republic, Slovakia

D: Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica

E: All destinations except Switzerland

F: All destinations

(2) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Regulation (EEC) No 990/93 must be met.

ANNEX II

RATES AND QUANTITIES LAID DOWN FOR THE ALLOCATION OF LICENCES WITHOUT ADVANCE FIXING OF THE REFUND

Product	Product code	Destination code (1)	Refund rate (2) (ECU/ tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995						1996					
				July	August	September	October	November	December	January	February	March	April	May	June
Tomatoes	0702 00 15 100 0702 00 20 100 0702 00 25 100 0702 00 30 100 0702 00 35 100 0702 00 40 100 0702 00 45 100 0702 00 50 100	F	50,8	2 786		3 758		3 297		1 664		7 886		15 407	
Shelled almonds	0802 12 90 000	F	109,3	122		304		336		161		371		494	
Hazelnuts in shell	0802 21 00 000	F	127,7	25		205		87		12		11		15	
Shelled hazelnuts	0802 22 00 000	F	246,3	447		908		1 766		860		694		779	
Walnuts in shell	0802 31 00 000	F	158,3	2		84		241		16		7		2	
Oranges	0805 10 01 200 0805 10 05 200 0805 10 09 200 0805 10 11 200 0805 10 15 200 0805 10 19 200 0805 10 21 200 0805 10 25 200 0805 10 29 200 0805 10 32 200 0805 10 34 200 0805 10 36 200 0805 10 42 200 0805 10 44 200 0805 10 46 200 0805 10 51 200 0805 10 55 200 0805 10 59 200 0805 10 61 200 0805 10 65 200 0805 10 69 200	A C	124,3	1 138		633		30 594		66 505		98 566		21 871	
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	152,5	8 370		2 077		10 100		11 885		20 868		20 388	

Product	Product code	Destination code (1)	Refund rate (2) (ECU/ tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995						1996					
				July	August	September	October	November	December	January	February	March	April	May	June
Table grapes	0806 10 21 200 0806 10 29 200 0806 10 30 200 0806 10 40 200 0806 10 50 200 0806 10 61 200 0806 10 69 200	F	54,7	5 637		20 823		7 934		441				13	
Apples	0808 10 51 910 0808 10 53 910 0808 10 59 910 0808 10 61 910 0808 10 63 910 0808 10 69 910 0808 10 71 910 0808 10 73 910 0808 10 79 910 0808 10 92 910 0808 10 94 910 0808 10 98 910	A B D	90,4	2 517		7 260		8 538		8 860		10 191		7 882	
Peaches and nectarines	0809 30 11 100 0809 30 19 100 0809 30 21 100 0809 30 29 100 0809 30 31 100 0809 30 39 100 0809 30 41 100 0809 30 49 100 0809 30 51 100 0809 30 59 100	E	56,5	4 571		2 609								766	

(1) The destination codes are defined as follows:

A: Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta

B: Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia

C: Switzerland, Czech Republic, Slovakia

D: Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica

E: All destinations except Switzerland

F: All destinations

(2) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Regulation (EEC) No 990/93 must be met.