COMMISSION REGULATION (EC) No 1739/95

of 17 July 1995

adopting certain transitional measures relating to the entry price arrangements applicable to sour cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations [1], and in particular Article 3 (1) thereof,

Whereas Council Regulation (EEC) No 2658/87 [2], as last amended by Commission Regulation (EC) No 1359/95 of 23 July 1987 [3], contains in Part 3, Section I, Annex 2 in the combined nomenclature the list of products to which an entry price applies and also, in respect of those products, the scale of entry prices used for the tariff classification of imported products and for determining the import duties applicable ; whereas the entry price arrangements were introduced into the fruit and vegetables sector as a result of the agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations ; whereas application on the said entry prices in the case of sour cherries, products which are used exclusively by the processing industry, can represent an excessive burden for the industry and thus hinder trade and bring about a disturbance on the Community market ;

Whereas the period of importation for sour cherries commences on 15 June ; whereas, until the Council adopts a measure reducing the entry prices for the product in question, it is necessary to adopt certain transitional measures in order to allow the industry to be supplied and trade to operate under normal conditions ; whereas it is necessary therefore to derogate from Regulation (EEC) No 2658/87 and to make these transitional measures applicable from 15 June 1995 ; whereas, pursuant to Article 3 (2) of Regulation (EC) No 3290/94, their period of application under this Regulation may not extend beyond 30 June 1996 ;

Whereas the entry prices to be determined for this product must take into account the average unit values recorded in trade over a representative period ; whereas the *ad valorem* autonomous rates of duty for the product should be reduced also to the same level as the *ad valorem* conventional rates of duty ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Annex I, Part 3, Section I, Annex 2 in the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 15 June 1995.

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

Done at Brussels, 17 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 349, 31. 12. 1994, p. 105.
[2] OJ No L 256, 7. 9. 1987, p. 1.
[3] OJ No L 142, 26. 6. 1995, p. 1.

ANNEX

CN Code	Description	Rate of duties	
		autonomous (%)	conventional (%)
1	2	3	4
'0809 20 31	– – from 21 to 31 May :		
	– – – Sour cherries *(Prunus cerasus)* :		
	– – – – with an entry price per 100 kg net weight of :		
	– – – – – not less than ECU 155,1	14,5	14,5
	– – – – – not less than ECU 152 but less than ECU 155,1	14,5	14,5 + 3,1 Ecu/100 kg/net
	– – – – – not less than ECU 148,9 but less than ECU 152	14,5	14,5 + 6,2 Ecu/100 kg/net
	– – – – – not less than ECU 145,8 but less than ECU 148,9	14,5	14,5 + 9,3 Ecu/100 kg/net
	– – – – – not less than ECU 142,7 but less than ECU 145,8	14,5	14,5 + 12,4 Ecu/100 kg/net
	– – – – – not less than ECU 50,7 (1) but less than ECU 142,7 (1) (2)	14,5	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 49,7 (1) but less than ECU 50,7 (1) (3)	14,5 + 1,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 48,7 (1) but less than ECU (1) (4)	14,5 + 2,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 47,7 (1) but less than ECU 48,7 (1) (5)	14,5 + 3,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 46,6 (1) but less than ECU 47,7 (1) (6)	14,5 + 4,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – less than ECU 46,6 (1) (7)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
0809 20 41	– – from 1 June to 15 July :		
	– – – Sour cherries *(Prunus cerasus)* :		
	– – – – with an entry price per 100 kg net weight of :		
	– – – – – not less than ECU 131,1	14,5	14,5
	– – – – – not less than ECU 128,5 but less than ECU 131,1	14,5	14,5 + 2,6 Ecu/100 kg/net
	– – – – – not less than ECU 125,9 but less than ECU 128,5	14,5	14,5 + 5,2 Ecu/100 kg/net
	– – – – – not less than ECU 123,2 but less than ECU 125,9	14,5	14,5 + 7,9 Ecu/100 kg/net
	– – – – – not less than ECU 120,6 but less than ECU 123,2	14,5	14,5 + 10,5 Ecu/100 kg/net
	– – – – – not less than ECU 50,7 (1) but less than ECU 120,6 (8)	14,5	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not 49,7 (1) but less than ECU 50,7 (1) (9)	14,5 + 1,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 48,7 (1) but less than ECU 49,7 (1) (10)	14,5 + 2,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 47,7 (1) but less than ECU 48,7 (1) (11)	14,5 + 3,0 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 46,6 (1) but less than ECU 47,7 (1) (12)	14,5 + 4,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – less than ECU 46,6 (1) (13)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net

CN Code	Description	Rate of duties	
		autonomous (%)	conventional (%)
1	2	3	4
0809 20 51	– – from 16 to 31 July :		
	– – – Sour cherries *(Prunus cerasus)* :		
	– – – – with an entry price per 100 kg net weight of :		
	– – – – – not less than ECU 131,1	14,5	14,5
	– – – – – not less than ECU 128,5 but less than ECU 131,1	14,5	14,5 + 2,6 Ecu/100 kg/net
	– – – – – not less than ECU 125,9 but less than ECU 128,5	14,5	14,5 + 5,2 Ecu/100 kg/net
	– – – – – not less than ECU 123,2 but less than ECU 125,9	14,5	14,5 + 7,9 Ecu/100 kg/net
	– – – – – not less than ECU 120,6 but less than ECU 123,2	14,5	14,5 + 10,5 Ecu/100 kg/net
	– – – – – not less than ECU 45,9 (1) but less than ECU 120,6 (1) (14)	14,5	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 45,0 (1) but less than ECU 45,9 (1) (15)	14,5 + 0,9 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 44,1 (1) but less than ECU 45,0 (1) (16)	14,5 + 1,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 43,1 (1) but less than ECU 44,1 (1) (17)	14,5 + 2,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 42,2 (1) but less than ECU 43,1 (1) (18)	14,5 + 3,6 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – less than ECU 42,2 (1) (19)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
0809 20 61	– – from 1 to 10 August :		
	– – – Sour cherries *(Prunus cerasus)* :		
	– – – – with an entry price per 100 kg net weight of :		
	– – – – – not but less than ECU 97,3 (19)	14,5	14,5
	– – – – – not less than ECU 95,4 but less than ECU 97,3	14,5	14,5 + 1,9 Ecu/100 kg/net
	– – – – – not less than ECU 93,4 but less than ECU 95,4	14,5	14,5 + 3,9 Ecu/100 kg/net
	– – – – – not less than ECU 91,5 but less than ECU 93,4	14,5	14,5 + 5,8 Ecu/100 kg/net
	– – – – – not less than ECU 89,5 but less than ECU 91,5	14,5	14,5 + 7,8 Ecu/100 kg/net
	– – – – – not less than ECU 45,9 (1) but less than ECU 89,5 (1) (20)	14,5	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 45,0 (1) but less than ECU 45,9 (1) (21)	14,5 + 0,9 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 44,1 (1) but less than ECU 45,0 (1) (22)	14,5 + 1,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 43,1 (1) but less than ECU 44,1 (1) (23)	14,5 + 2,8 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – not less than ECU 42,2 (1) but less than ECU 43,1 (1) (24)	14,5 + 3,6 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net
	– – – – – less than ECU 42,2 (1) (25)	14,5 + 33,1 Ecu/100 kg/net	14,5 + 33,1 Ecu/100 kg/net

(1) Entry price on autonomous basis.
(2) Code taric 0809 20 31 * 61.
(3) Code taric 0809 20 31 * 62.
(4) Code taric 0809 20 31 * 63.
(5) Code taric 0809 20 31 * 64.
(6) Code taric 0809 20 31 * 65.
(7) Code taric 0809 20 31 * 66.
(8) Code taric 0809 20 41 * 61.
(9) Code taric 0809 20 41 * 62.
(10) Code taric 0809 20 41 * 63.
(11) Code taric 0809 20 41 * 64.
(12) Code taric 0809 20 41 * 65.
(13) Code taric 0809 20 41 * 66.
(14) Code taric 0809 20 51 * 61.
(15) Code taric 0809 20 51 * 62.
(16) Code taric 0809 20 51 * 63.
(17) Code taric 0809 20 51 * 64.
(18) Code taric 0809 20 51 * 65.
(19) Code taric 0809 20 51 * 66.
(20) Code taric 0809 20 61 * 61.
(21) Code taric 0809 20 61 * 62.
(22) Code taric 0809 20 61 * 63.
(23) Code taric 0809 20 61 * 64.
(24) Code taric 0809 20 61 * 65.
(25) Code taric 0809 20 61 * 66.'