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# COMMISSION REGULATION (EC) No 1921/95

## of 3 August 1995

## laying down detailed rules for the application of the system of import licences for products processed from fruit and vegetables and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86

(OJ L 185, 4.8.1995, p. 10)

Amended by:

| | | Official Journal | | |
|---|---|---|---|---|
| | | No | page | date |
| ►**M1** | Commission Regulation (EC) No 2427/95 of 16 October 1995 | L 249 | 12 | 17.10.1995 |
| ►**M2** | Commission Regulation (EC) No 12/1999 of 7 January 1999 | L 4 | 1 | 8.1.1999 |

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables [1], as last amended by Regulation (EC) No 1032/95 [2], and in particular Article 9 (2) thereof,

Whereas Commission Regulation (EEC) No 2405/89 [3], as last amended by Regulation (EC) No 1032/95, lays down detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables; whereas, as a result of the amendment to Regulation (EEC) No 426/86 by Council Regulation (EC) No 3290/94 [4] 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, the system of advance fixing should be abolished and certain amendments should be made accordingly to the rules on import licences in the light of experience, while keeping the basic features of the existing system unchanged; whereas, for similar reasons, Commission Regulation (EEC) No 3518/86 [5], as last amended by Regulation (EC) No 1363/95 [6], which lays down special surveillance measures applicable to imports of orange juice, should be repealed; whereas, in the-interests of clarity, a new Regulation should be adopted laying down detailed rules for the application of the system of import licences and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86;

Whereas the detailed rules for the application of the system of import licences in question either supplement or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [7], as last amended by Regulation (EC) No 1199/95 [8];

Whereas, in order to facilitate the adoption of appropriate measures in the event of disturbance or threatened disturbance of the market, provision should be made for introducing a fixed period between the application for and the issue of the import licence;

Whereas the term of validity of import licences should be determined in the light of the practices of international trade; whereas the amount of the security to be lodged for import licences should be fixed at levels which will enable the system to function properly;

Whereas, in order to ensure better knowledge of the trade pattern for certain products, it should be requried that the country of origin be indicated and that the importer be compelled to import from the country thus indicated; whereas, however, in view of the characteristics of trade in the products concerned, provision should be made to allow the country of origin to be changed;

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[1] OJ No L 49, 27. 2. 1986, p. 1.
[2] OJ No L 105, 9. 5. 1995, p. 3.
[3] OJ No L 227, 4. 8. 1989, p. 34.
[4] OJ No L 349, 31. 12. 1994, p. 105.
[5] OJ No L 325, 20. 11. 1986, p. 14.
[6] OJ No L 132, 16. 6. 1995, p. 8.
[7] OJ No L 331, 2. 12. 1988, p. 1.
[8] OJ No L 119, 30. 5. 1995, p. 4.

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Whereas in licence applications applicants must indicate the combined nomenclature subheading; whereas, in the case of certain products falling within headings 2008 and 2009 of the combined nomenclature, it is not always possible, owing to considerable variations in natural sugar content or to fluctuations in exchange rates, to know the exact subheadings at the time of application for licences; whereas special provision should be made for those products;

Whereas the fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 provides that no licence is required for the purposes of operations relating to quantities for which the amount of the security for the corresponding licence would be ECU 5 or less; whereas Article 14 (3) of Regulation (EEC) No 3719/88 provides that no security is required in respect of an import licence where the amount of security involved in ECU 5 or less; whereas Article 14 (3) of Regulation (EEC) No 3719/88 provides that no security is required in respect of an import or export licence where the amount of security involved is ECU 5 or less or, under certain circumstances, ECU 25 or less; whereas the application of these provisions to products processed from fruit and vegetables results, because of the range of security rates, in a wide variation in the quantity of products covered; whereas it is necessary, particularly with a view to administrative simplification, to specify the quantity of products which may be imported thus without a licence; whereas the quantity below which an import licence is to be issued without a security being lodged should also be specified; whereas the second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 should not apply;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulations lays down detailed rules for the application of the system of import licences provided for in Article 9 of Regulation (EEC) No 426/86. This list of products covered by the system is set out in the Annex hereto.

## TITLE I

## Import licences

*Article 2*

1. Import licences shall be valid for a period of three months from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88.

2. For products for which import trends need to be monitored closely in order to assess the risk of disturbance or threatened disturbance of the market, the Commission may decide that import licences are to be issued on the fifth working day following that on which applications are lodged.

*Article 3*

1. The amount of the security for import licences for each product shall be as shown in the table set out in the Annex.

2. Notwithstanding the first subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88, no security shall be required in respect of an import licence concerning a quantity not exceeding 1 000 kilograms. The second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

3. Notwithstanding the fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88, no licence shall be required for operations relating to a quantity not exceeding 500 kilograms where the amount of the security is less than ECU 1 per 100 kilograms.

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*Article 4*

Where certain of the products falling within one subheading of the combined nomenclature are subject to the system of import licences, licence applications and the import licences themselves shall contain in section 15 the description of products subject to the system and in section 16 the combined nomenclature code preceded by 'ex'.

Licences shall be valid for the products so described.

*Article 5*

1. For the products listed in the Annex, licence applications and the import licences themselves shall indicate the country of origin in section 8.

Licences shall make it obligatory to import from the country of origin indicated thereon.

2. Holders of licences may apply, once only, to have the country of origin altered subject to the following rules:

(a) applications for alteration of the country of origin:

— must be submitted to the body which issued the original licence,

— must be accompanied by the original licence and by any extract issued,

— shall be subject to the provisions of Articles 13, 14 (1) and 15 of Regulation (EEC) No 3719/88;

(b) the body which issued the licence shall retain the original licence and any extract and shall issue a replacement licence and, where appropriate, one or more replacement extracts.

However, if during the time taken to issue the replacement licence the issue of licences for the new country of origin is suspended, the replacement licence application concerned shall be rejected and the original licence and, where appropriate, the extract or extracts shall be returned to the holder;

(c) replacement licences and, where appropriate, the replacement extract or extracts shall:

— be issued for a quantity of products which, when the tolerance is added, corresponds to the maximum available quantity shown on the document which they replace,

— contain in section 20 the number, and, if wished, the date of the document which they replace,

— contain in section 8 the name of the new country of origin,

— contain in the other sections the same entries as the document which they replace, and in particular the same date of expiry.

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**TITLE II**

**Communications**

*Article 7*

1. Member States shall communicate to the Commission no later than the fifth working day of each month the particulars concerning the country of origin and the quantities of products for which import licences were issued in the preceding month, broken down according to the combined nomenclature and according to the description contained in the Annex.

2. During periods when Article 2 (2) applies, and notwithstanding paragraph 1, Member States shall communicate to the Commission any particulars referred to in paragraph 1 concerning applications for import licences as follows:

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— each Wednesday, as regards applications made on Monday and Tuesday of that week,

— each Friday, as regards applications made on Wednesday and Thursday of that week,

— each Monday, as regards applications made on Friday of the previous week.

3. If no import licences have been issued during a given calendar month, the Member States concerned shall inform the Commission accordingly not later than the fifth working day of the following month.

## TITLE III

## Final provisions

*Article 8*

1. Regulations (EEC) No 2405/89 and (EEC) No 3518/86 are hereby repealed.

2. References to Regulation (EEC) No 2405/89 shall be construed as references to this Regulation.

*Article 9*

This Regulation shall enter into force on the day following 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.

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*ANNEX*

**List of products referred to in Articles 3(1) and 5(1)**

| CN code | Description | Amount EUR/100 kg net | TARIC code |
|---|---|---|---|
| 0711 | Vegetables, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: | | |
| 0711 90 | − Other vegetables; mixtures of vegetables: | | |
| | − − Vegetables: | | |
| | − − − Mushrooms: | | |
| 0711 90 40 | − − − − Of the genus *Agaricus* | 2,40 | |
| 0711 90 60 | − − − − Other | 2,40 | |
| 0806 | Grapes, fresh or dried: | | |
| 0806 20 | − Dried: | | |
| | − − In immediate containers of a net capacity not exceeding 2 kg: | | |
| 0806 20 12 | − − − Sultanas | 2,40 | |
| 0806 20 18 | − − − Other | 2,40 | |
| | − − Other: | | |
| 0806 20 92 | − − − Sultanas | 2,40 | |
| 0806 20 98 | − − − Other | 2,40 | |
| 0811 | Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter: | | |
| 0811 90 | − Other: | | |
| | − − Containing added sugar or other sweetening matter: | | |
| | − − − With a sugar content exceeding 13 % by weight: | | |
| ex 0811 90 19 | − − − − Other: | | |
| | − − − − − Sour cherries *(Prunus cerasus)* | 2,40 | *21, *29 |
| | − − − − − Other cherries | 2,40 | *31, *39 |
| | − − − Other | | |
| ex 0811 90 39 | − − − − Other: | | |
| | − − − − − Sour cherries *(Prunus cerasus)* | 2,40 | *21, *29 |
| | − − − − − Other cherries | 2,40 | *31, *39 |
| | − − Other: | | |
| 0811 90 75 | − − − − Sour cherries *(Prunus cerasus)* | 2,40 | |
| 0811 90 80 | − − − − Other cherries | 2,40 | |
| 0812 | Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: | | |

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| CN code | Description | Amount EUR/100 kg net | TARIC code |
|---|---|---|---|
| 0812 10 00 | − Cherries: | | |
| | − − Sour cherries *(Prunus cerasus)* | 2,40 | *10 |
| | − − Other | 2,40 | *90 |
| 0813 | Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter: | | |
| | − − Other | | |
| ex 0813 40 95 | − − − Sour cherries *(Prunus cerasus)* | 2,40 | *20 |
| 2001 | Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid: | | |
| | − Other: | | |
| 2001 90 50 | − − Mushrooms: | | |
| | − − − Of the genus *Agaricus* | 2,40 | |
| | − − − Other | 2,40 | |
| 2002 | Tomatoes prepared or preserved otherwise than by vinegar or acetic acid: | | |
| 2002 90 | − Other: | | |
| | − − With a dry matter content of less than 12 % by weight: | | |
| 2002 90 11 | − − − In immediate packings of a net content exceeding 1 kg | 0,70 | |
| 2002 90 19 | − − − In immediate packings of a net content not exceeding 1 kg | 0,70 | |
| | − − With a dry matter content of not less than 12 % but not more than 30 % by weight: | | |
| 2002 90 31 | − − − In immediate packings of a net content exceeding 1 kg | 2,20 | |
| 2002 90 39 | − − − In immediate packings of a net content not exceeding 1 kg | 2,20 | |
| | − − With a dry matter content of more than 30 % by weight: | | |
| 2002 90 91 | − − − In immediate packings of a net content exceeding 1 kg | 2,20 | |
| 2002 90 99 | − − − In immediate packings of a net content not exceeding 1 kg | 2,20 | |
| 2003 | Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid: | | |
| 2003 10 | − Mushrooms: | | |
| | − − Of the genus *Agaricus*: | | |
| 2003 10 20 | − − − Provisionally preserved, completely cooked | 2,90 | |
| 2003 10 30 | − − − Other | 2,90 | |
| 2003 10 80 | − − Other | 2,90 | |
| 2005 | Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006: | | |
| 2005 60 00 | − Asparagus | 2,40 | |
| 2008 | Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: | | |

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| CN code | Description | Amount EUR/100 kg net | TARIC code |
|---|---|---|---|
| 2008 60 | − Cherries: | | |
| | − − Not containing added spirit: | | |
| | − − − Containing added sugar, in immediate packings of a net content exceeding 1 kg: | | |
| 2008 60 51 | − − − − Sour cherries *(Prunus cerasus)* | 2,40 | |
| 2008 60 59 | − − − − Other | 2,40 | |
| | − − − Containing added sugar, in immediate packings of a net content not exceeding 1 kg: | | |
| 2008 60 61 | − − − − Sour cherries *(Prunus cerasus)* | 2,40 | |
| 2008 60 69 | − − − − Other | 2,40 | |
| | − − − Not containing added sugar, in immediate packings of a net content: | | |
| | − − − − Of 4,5 kg or more: | | |
| 2008 60 71 | − − − − − Sour cherries *(Prunus cerasus)* | 2,40 | |
| 2008 60 79 | − − − − − Other | 2,40 | |
| | − − − − Of less than 4,5 kg: | | |
| 2008 60 91 | − − − − − Sour cherries *(Prunus cerasus)* | 2,40 | |
| 2008 60 99 | − − − − − Other | 2,40 | |
| 2008 70 | − Peaches: | | |
| | − − Not containing added spirit: | | |
| | − − − Containing added sugar, in immediate packings of a net content exceeding 1 kg: | | |
| 2008 70 61 | − − − − With a sugar content exceeding 13 % by weight | 0,70 | |
| 2008 70 69 | − − − − Other | 0,70 | |
| | − − − Containing added sugar, in immediate packings of a net content not exceeding 1 kg: | | |
| 2008 70 71 | − − − − With a sugar content exceeding 15 % by weight | 0,70 | |
| 2008 70 79 | − − − − Other | 0,70 | |
| 2009 | Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: | | |
| | − Orange juice: | | |
| | − − Frozen: | | |
| | − − − Of a density not exceeding 1,33 g/cm³ at 20 °C: | | |
| 2009 11 99 | − − − − Other: | 1,40 | |