COMMISSION REGULATION (EC) No 2253/95

of 26 September 1995

amending Regulation (EEC) No 1596/79 on preventive withdrawals of apples and pears

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 15a (2) thereof,

Whereas the basic production referred to in Commission Regulation (EEC) No 1596/79 (3), as last amended by Regulation (EC) No 3451/93 (4), relates to the production in the Community excluding the territory of the new German *Länder*;

Whereas to take account of production in Austria, in Finland and in Sweden the basic production of apples and pears should be amended;

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

Regulation (EEC) No 1596/79 is hereby amended as follows:

1. Article 1 is replaced by the following:

   'Article 1

   Preventive withdrawals may be authorized only if the crop is expected to exceed by 5 % or more a basic production of:

   — 8 510 000 tonnes for apples,

   — 2 480 000 tonnes for pears.'

2. Article 3 (1) is replaced by the following:

   '1. Preventive withdrawals of apples may not exceed 30 % of an expected surplus of up to 851 000 tonnes; they may not exceed 40 % of an expected surplus of between 851 000 and 1 276 500 tonnes and not exceed 50 % of an expected surplus of over 1 276 500 tonnes, the expected surplus being the difference between the expected crop and the basic production of 8 510 000 tonnes.

   Preventive withdrawals of pears may not exceed 30 % of an expected surplus of up to 248 000 tonnes; they may not exceed 40 % of an expected surplus of between 248 000 and 372 000 tonnes and not exceed 50 % of an expected surplus of over 372 000 tonnes, the expected surplus being the difference between the expected crop and the basic production of 2 480 000 tonnes.'

Article 2

This Regulation shall enter into force on the third 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.

Done at Brussels, 26 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 132, 16. 6. 1995, p. 8.
(3) OJ No L 189, 27. 7. 1979, p. 47.
(4) OJ No L 316, 17. 12. 1993, p. 9.