COMMISSION REGULATION (EC) No 2196/96
of 15 November 1996
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,

Whereas Commission Regulation (EC) No 2190/96 (3) lays down implementing rules for export refunds on fruit and vegetables for A1 and A2 licences applied for from 18 November 1996 and for B type licences applied for in respect of exports for which the export declaration is accepted after 24 November 1996;

Whereas it should be borne in mind that Regulation (EC) No 1488/95 (4), as last amended by Regulation (EC) No 2702/95 (5), must continue to apply to licences without advance fixing applied for after 24 November 1996 for exports for which an export declaration is accepted before 25 November 1996;

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 referred to in (b) of that paragraph and of the economic aspect of the envisaged exports;

Whereas, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, refunds are 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 acocunt of those most favourable from the exportation standpoint; whereas international trade prices are to be determined with account taken of the prices referred to 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 and apples 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 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 laid down by Commission Regulation (EEC) No 1068/93 (8), as last amended by Regulation (EC) No 1482/96 (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 292, 15. 11. 1996, p. 12.
(4) OJ No L 145, 29. 6. 1995, p. 68.
(5) OJ No L 280, 23. 11. 1995, p. 30.
(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 188, 27. 7. 1996, p. 22.

Whereas, on account of the market situation and in order that the most efficient possible use can be made of the resources available, and in view of the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and consequently refunds under the A1 and A2 licence arrangements referred to in Article 1 of Regulation (EC) No 2190/96 should not be set simultaneously for the export period in question; whereas under the A2 arrangements a distinction should be made between close and more remote destinations;

Whereas, with due regard to the amendment made by Commission Regulation (EEC) No 1222/96 [1], the figure 9 is to be regarded as included in the nomenclature code for refunds after the eight figures for the combined nomenclature subheadings from 1 January 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be those fixed in the Annex 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 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [2], shall not count against the eligible quantities referred to in paragraph 1.

3. Without prejudice to the application of Article 4 (5) of Regulation (EC) No 2190/96 the period of validity of A1 and A2 licences shall be two months.

Article 2

This Regulation shall enter into force on 18 November 1996.

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

Done at Brussels, 15 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ No L 161, 29. 6. 1996, p. 62.

[2] OJ No L 331, 2. 12. 1988, p. 1.

ANNEX

EXPORT REFUNDS ON FRUIT AND VEGETABLES

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1))	Product code	A1 applications from 18. 11. 1996 to 9. 1. 1997			A2 applications from 19. 11. 1996 to 22. 11. 1996			B Export period from 25. 11. 1996 to 16. 1. 1997		
		Destination or destination group (1)	Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)
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	36,2	2 477				F	36,2	2 477
Shelled almonds	0802 12 90 000	F	77,9	250				F	77,9	250
Hazelnuts in shell	0802 21 00 000	F	91,0	55				F	91,0	55
Shelled hazelnuts	0802 22 00 000	F	175,6	1 317				F	175,6	1 317
Walnuts in shell	0802 31 00 000	F	112,9	149				F	112,9	149
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 31 200 0805 10 33 200 0805 10 35 200 0805 10 37 200 0805 10 38 200 0805 10 39 200 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	AC	88,6	67 723				AC	88,6	67 723
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	108,7	9 625				F	108,7	9 625

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1))	Product code	A1 applications from 18. 11. 1996 to 9. 1. 1997			A2 applications from 19. 11. 1996 to 22. 11. 1996			B Export period from 25. 11. 1996 to 16. 1. 1997		
		Destination or destination group (1)	Refund rate (ECU/net tonne)	Scheduled quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/net tonne)	Indicative quantity (tonnes)
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	39,0	4 892						
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	ABD	64,4		A	64,4	5 142	ABD	64,4	11 427
	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				BD	64,4	6 285			
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	40,2							

(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, Federal Republic of Yugoslavia (Serbia and Montenegro), 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, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan,

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, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia,

E: All destinations except Switzerland,

F: All destinations.