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COMMISSION REGULATION (EC) No 453/2002

of 13 March 2002

adapting Council Regulation (EC) No 2201/96 and Commission Regulations (EC) No 1799/2001, (EC) No 2125/95 and (EC) No 3223/94 as regards the combined nomenclature codes for certain fruits and vegetables

(OJ L 72, 14.3.2002, p. 9)

Corrected by:

►**C1** Corrigendum, OJ L 52, 25.2.2005, p. 64 (453/2002)

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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 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products [1], as last amended by Regulation (EC) No 3290/94 [2], and in particular Article 2(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff [3] has amended the Combined Nomenclature for certain fruits and vegetables and products processed from fruit and vegetables.

(2) The following should therefore be adapted:

— the table in Article 1(2) of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [4], as last amended by Regulation (EC) No 1239/2001 [5];

— Article 1 of Commission Regulation (EC) No 1799/2001 of 12 September 2001 laying down the marketing standard for citrus fruit [6];

— Article 1(1) and (2) of Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms [7], as last amended by Regulation (EC) No 2541/2001 [8];

— the table in the Annex to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [9], as last amended by Regulation (EC) No 807/2000 [10].

(3) The above adaptations should enter into force at the same time as Regulation (EC) No 2031/2001.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Joint Meeting of Management Committees for fresh fruit and vegetables and for processed fruit and vegetables,

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[1] OJ L 34, 9.2.1979, p. 2.
[2] OJ L 349, 31.12.1994, p. 105.
[3] OJ L 279, 23.10.2001, p. 1.
[4] OJ L 297, 21.11.1996, p. 29.
[5] OJ L 171, 26.6.2001, p. 1.
[6] OJ L 244, 14.9.2001, p. 12.
[7] OJ L 212, 7.9.1995, p. 16.
[8] OJ L 341, 22.12.2001, p. 80.
[9] OJ L 337, 24.12.1994, p. 66.
[10] OJ L 97, 19.4.2000, p. 6.

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HAS ADOPTED THIS REGULATION:

Article 1

In the table in Article 1(2) of Regulation (EC) No 2201/96:

'ex 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, excluding bananas provisionally preserved falling within subheading ex 0812 90 95'

is replaced by:

'ex 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, excluding bananas provisionally preserved falling within subheading ►C1 ex 0812 90 99 ◄'

and the text:

'ex 2009	Fruit juices (excluding grape juice and grape must of subheading 2009 60 and banana juice of subheading 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter'

is replaced by:

'ex 2009	Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69 and banana juice of subheading 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter'

Article 2

In Article 1 of Regulation (EC) No 1799/2001:

'— lemons falling within CN code 0805 30 10'

is replaced by:

'— lemons (*Citrus limon, Citrus limonum*) falling within CN code 0805 50 10.'

Article 3

Article 1 of Regulation (EC) No 2125/95 is replaced by the following:

'Article 1

1. Tariff quotas for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30, shown in Annex I, shall be opened subject to the conditions laid down in this Regulation.

2. The rate of duty applicable shall be 12 % *ad valorem* in the case of products falling within CN code 0711 51 00 (Serial No 09.4062) and 23 % in the case of products falling within CN codes 2003 10 20 and 2003 10 30 (Serial No 09.4063). However, a single rate of 8,4 % shall apply in the case of the above products originating in Bulgaria (Serial No 09.4725) or Romania (Serial No 09.4726).'

Article 4

The Annex to Regulation (EC) No 3223/94 is replaced by the following:

'ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the arrangements provided for in this

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Regulation is, for the purposes of this Annex, determined by the scope of the CN codes as they exist at the time of the adoption of the latest amendment of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and that of the description of the products, and the corresponding period of application.

PART A

CN codes	Description	Period of application
ex 0702 00 00	Tomatoes	From 1 January to 31 Dercember
ex 0707 00 05	Cucumbers (1)	From 1 January to 31 Dercember
ex 0709 10 00	Artichokes	From 1 November to 30 June
0709 90 70	Courgettes	From 1 January to 31 Dercember
ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Sweet oranges, fresh	From 1 December to 31 May
ex 0805 20 10	Clementines	From 1 November to end of February
ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilking and similar citrus hybrids	From 1 November to end of February
ex 0805 50 10	Lemons *(Citrus limon, Citrus limonum)*	From 1 June to 31 May
ex 0806 10 10	Table grapes	From 21 July to 20 November
ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	From 1 July to 30 June
ex 0808 20 50	Pears	From 1 July to 30 April
ex 0809 10 00	Apricots	From 1 June to 31 July
ex 0809 20 95	Cherries, other than sour cherries	From 21 May to 10 August
ex 0809 30 10 ex 0809 30 90	Peaches, including nectarines	From 11 June to 30 September
ex 0809 40 05	Plums	From 11 June to 30 September

(1) Other than cucumbers referred to in Part B of this Annex.

PART B

CN codes	Description	Period of application
ex 0707 00 05	Cucumbers intended for processing	From 1 May to 31 October

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CN codes	Description	Period of application
ex 0809 20 05	Sour cherries *(Prunus cerasus)*	From 21 May to 10 August’

Article 5

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

It shall apply from 1 January 2002.

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