COMMISSION REGULATION (EC) No 1721/2004

of 1 October 2004

amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [1], and in particular Article 33(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables [2] provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3].

(2) For the purposes of Article 5(4) of the Agreement on Agriculture [4] concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2001, 2002 and 2003, the trigger levels for additional duties on tomatoes should be adjusted.

(3) As a result, Regulation (EC) No 1555/96 should be amended.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

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[1] OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).
[2] OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1469/2004 (OJ L 271, 19.8.2004, p. 20).
[3] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).
[4] OJ L 336, 23.12.1994, p. 22.

ANNEX

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Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption 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 by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	596 477
78.0020			— 1 June to 30 September	552 167
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 924
78.0075			— 1 November to 30 April	8 560
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 357
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	18 056
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	404 503
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	164 111
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	89 273
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	342 761
78.0160			— 1 January to 31 May	12 938
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	227 815
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	730 623
78.0180			— 1 September to 31 December	32 246
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	257 158
78.0235			— 1 July to 31 December	27 497
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	4 123
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	32 863
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	6 808
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	51 276'