# COMMISSION REGULATION (EC) No 2246/2004

## of 27 December 2004

## amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on pears, lemons, apples and courgettes

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 pears, lemons, apples and courgettes should be adjusted.

(3) Regulation (EC) No 1555/96 should be amended accordingly.

(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 its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2005.

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

Done at Brussels, 27 December 2004.

*For the Commission*
Mariann FISCHER BOEL
*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 1844/2004 (OJ L 322, 23.10.2004, p. 12).
[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 number | 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 | 39 640 |
| 78.0075 | | | — 1 November to 30 April | 30 932 |
| 78.0085 | ex 0709 10 00 | Artichokes | — 1 November to 30 June | 2 071 |
| 78.0100 | 0709 90 70 | Courgettes | — 1 January to 31 December | 65 658 |
| 78.0110 | ex 0805 10 10<br>ex 0805 10 30<br>ex 0805 10 50 | Oranges | — 1 December to 31 May | 620 166 |
| 78.0120 | ex 0805 20 10 | Clementines | — 1 November to end of February | 88 174 |
| 78.0130 | ex 0805 20 30<br>ex 0805 20 50<br>ex 0805 20 70<br>ex 0805 20 90 | Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids | — 1 November to end of February | 94 302 |
| 78.0155 | ex 0805 50 10 | Lemons | — 1 June to 31 December | 341 887 |
| 78.0160 | | | — 1 January to 31 May | 13 010 |
| 78.0170 | ex 0806 10 10 | Table grapes | — 21 July to 20 November | 227 815 |
| 78.0175 | ex 0808 10 20<br>ex 0808 10 50<br>ex 0808 10 90 | Apples | — 1 January to 31 August | 730 999 |
| 78.0180 | | | — 1 September to 31 December | 32 266 |
| 78.0220 | ex 0808 20 50 | Pears | — 1 January to 30 April | 274 921 |
| 78.0235 | | | — 1 July to 31 December | 28 009 |
| 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' |