COMMISSION REGULATION (EC) No 451/2004

of 10 March 2004

on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges and apples)

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 the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 305/2004 ([2]) opens a tendering procedure setting the indicative refund rates and indicative quantities for which system A3 export licences may be issued.

(2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

(3) In the case of tomatoes, oranges and apples, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is more than one-and-a-half times the indicative refund rate. The rate must therefore be set in accordance with Article 4(4) of Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ([3]).

(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

In the case of tomatoes, oranges and apples, the maximum refund rate and the percentage of quantities to be awarded under the tendering procedure opened by Regulation (EC) No 305/2004 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 11 March 2004.

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

Done at Brussels, 10 March 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

([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 52, 21.2.2004, p. 3.
([3]) OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

ANNEX

Issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges and apples)

Product	Maximum refund rate (EUR/tonne net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Tomatoes	40	100 %
Oranges	35	100 %
Apples	39	82 %