COMMISSION REGULATION (EC) No 962/2004

of 12 May 2004

fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons 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],

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables [2], and in particular Article 6(7) thereof,

Whereas:

(1) Commission Regulation (EC) No 265/2004 [3] fixed the indicative quantities for the issue of B system export licences.

(2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes and lemons.

(3) These overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The definitive rate of refund for tomatoes, oranges, lemons and apples covered by licences applied for under system B between 16 March and 30 April 2004 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 265/2004 between 16 March and 30 April 2004, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 May 2004.

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

Done at Brussels, 12 May 2004.

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

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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. 1).
[2] OJ L 268, 9.10.2001, p. 8. Regulation as amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).
[3] OJ L 46, 17.2.2004, p. 15.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 March and 30 April 2004 (tomatoes, oranges, lemons and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	25	100 %
Oranges	20	100 %
Lemons	31	100 %
Apples	23	100 %