COMMISSION REGULATION (EC) No 828/2005

of 30 May 2005

amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes

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 2002, 2003 and 2004, the trigger levels for additional duties on tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes should be amended.

(3) Regulation (EC) No 1555/96 should therefore 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 that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

([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 694/2005 (OJ L 112, 3.5.2005, p. 10).
([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.

Order No	CN code	Description	Period of application	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	603 687
78.0020			— 1 June to 30 September	531 117
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	10 626
78.0075			— 1 November to 30 April	10 326
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 20	Oranges	— 1 December to 31 May	620 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end February	88 174
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 February	94 302
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	291 598
78.0160			— 1 January to 31 May	50 374
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	222 307
78.0175	ex 0808 10 80	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	239 335
78.0235			— 1 July to 31 December	29 158
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	127 403
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	54 213
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	982 366
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 605'