COMMISSION REGULATION (EC) No 434/2009

of 26 May 2009

amending Regulation (EC) No 1580/2007 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 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([1]), and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

(1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ([2]) provides for surveillance of imports of the products listed in Annex XVII 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 2006, 2007 and 2008, the trigger levels for additional duties of tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes should be adjusted.

(3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

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 June 2009.

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

Done at Brussels, 26 May 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 350, 31.12.2007, p. 1.
([3]) OJ L 253, 11.10.1993, p. 1.
([4]) OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

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.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	415 817
78.0020			— 1 June to 30 September	40 105
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	19 309
78.0075			— 1 November to 30 April	17 223
78.0085	0709 90 80	Artichokes	— 1 November to 30 June	16 421
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	65 893
78.0110	0805 10 20	Oranges	— 1 December to 31 May	700 277
78.0120	0805 20 10	Clementines	— 1 November to end of February	385 569
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	95 620
78.0155	0805 50 10	Lemons	— 1 June to 31 December	329 947
78.0160			— 1 January to 31 May	61 422
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	89 140
78.0175	0808 10 80	Apples	— 1 January to 31 August	876 665
78.0180			— 1 September to 31 December	106 465
78.0220	0808 20 50	Pears	— 1 January to 30 April	223 485
78.0235			— 1 July to 31 December	70 116
78.0250	0809 10 00	Apricots	— 1 June to 31 July	5 785
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	133 425
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	131 459
78.0280	0809 40 05	Plums	— 11 June to 30 September	129 925'