

COMMISSION REGULATION (EC) No 313/2009**of 16 April 2009****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries**

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 cucumbers and cherries, other than sour cherries 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 May 2009.

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

Done at Brussels, 16 April 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 | 594 495 |
| 78.0020 | | | — 1 June to 30 September | 108 775 |
| 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 | 335 735 |
| 78.0160 | | | — 1 January to 31 May | 64 586 |
| 78.0170 | 0806 10 10 | Table grapes | — 21 July to 20 November | 89 754 |
| 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 | 257 327 |
| 78.0235 | | | — 1 July to 31 December | 37 316 |
| 78.0250 | 0809 10 00 | Apricots | — 1 June to 31 July | 4 199 |
| 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 | 39 144 |
| 78.0280 | 0809 40 05 | Plums | — 11 June to 30 September | 7 658' |