COMMISSION REGULATION (EEC) No 2989/90

of 16 October 1990

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86 and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables [1], as last amended by Regulation (EEC) No 2201/90 [2], and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such exports;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds [3], account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas the export refunds for these products were last fixed by Commission Regulation (EEC) No 2000/90 [4];

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas, in such cases, the refunds for added sugars should apply;

Whereas, as a result of the introduction of the Combined Nomenclature by Council Regulation (EEC) No 2658/87 [5], as last amended by Regulation (EEC) No 2943/90 [6], the nomenclature applicable from 1 January 1988 to export refunds for agricultural products is established by Commission Regulation (EEC) No 3846/87 [7], as last amended by Regulation (EEC) No 2659/90 [8]; whereas it is necessary to amend the nomenclature in order to adapt the refunds to market necessities;

Whereas the nonfixing of refunds for peeled tomatoes to be exported to the USA entails the application of the provisions of Article 16 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products [9], as last amended by Regulation (EEC) No 1615/90 [10];

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

[1] OJ No L 49, 27. 2. 1986, p. 1.
[2] OJ No L 201, 31. 7. 1990, p. 1.
[3] OJ No L 73, 21. 3. 1977, p. 24.
[4] OJ No L 180, 13. 7. 1990, p. 9.
[5] OJ No L 256, 7. 9. 1987, p. 1.
[6] OJ No L 281, 12. 10. 1990, p. 22.
[7] OJ No L 366, 24. 12. 1987, p. 1.
[8] OJ No L 254, 18. 9. 1990, p. 5.
[9] OJ No L 351, 14. 12. 1987, p. 1.
[10] OJ No L 152, 16. 6. 1990, p. 33.

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in Annex I hereto.

2. The information relating to CN code 2002 10 listed in Annex II hereto shall be inserted in sector 12, 'Products processed from fruit and vegetables', to the Annex to Regulation (EEC) No 3846/87.

3. The non-fixing of a refund rate for peeled tomatoes, as defined in Annex I, to be exported to the United States of America shall be taken into consideration for the application of Article 16 of Regulation (EEC) No 3665/87.

4. Where no refund is fixed for a product listed in Annex I, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

Regulation (EEC) No 2000/90 is hereby repealed.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

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

Done at Brussels, 16 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

to the Commission Regulation of 16 October 1990 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)

Product code	Destination of the exports (1)	Refund (2)
0812 10 00 100	01	13,30
2002 10 10 100	02	15,00
2006 00 31 000	01	30,22
2006 00 90 100	01	30,22
2008 19 10 100		21,80
2008 19 90 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

(1) For the following destinations:
01 All destinations except North America;
02 All destinations except the United States of America.

(2) Amounts shown shall apply to products obtained from fruit harvested within the Community.

ANNEX II

CN code	Description	Product code
ex 2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:	
2002 10	– Tomatoes, whole or in pieces:	
2002 10 10	– – Peeled:	
	– – – In immediate packings of a net content equal to or greater than 1 kg	2002 10 10 100
	– – – Other	2002 10 10 900
2002 10 90	– – Other	2002 10 90 000