COMMISSION IMPLEMENTING REGULATION (EU) No 1095/2011

of 28 October 2011

amending Implementing Regulation (EU) No 543/2011 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) in conjunction with Article 4 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([2]) provides for the surveillance of the imports of the products listed in Annex XVIII 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 2008, 2009 and 2010, the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges should be adjusted.

(3) Implementing Regulation (EU) No 543/2011 should therefore 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 XVIII to Regulation (EU) No 543/2011 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 November 2011.

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

Done at Brussels, 28 October 2011.

For the Commission
The President
José Manuel BARROSO

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 157, 15.6.2011, p. 1.
([3]) OJ L 253, 11.10.1993, p. 1.
([4]) OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX XVIII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER I, 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 stand at the time of the adoption of this Regulation.

Order number	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May	481 762
78.0020			From 1 June to 30 September	44 251
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October	92 229
78.0075			From 1 November to 30 April	55 270
78.0085	0709 90 80	Artichokes	From 1 November to 30 June	11 620
78.0100	0709 90 70	Courgettes	From 1 January to 31 December	57 955
78.0110	0805 10 20	Oranges	From 1 December to 31 May	292 760
78.0120	0805 20 10	Clementines	From 1 November to end of February	85 392
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February	99 128
78.0155	0805 50 10	Lemons	From 1 June to 31 December	346 366
78.0160			From 1 January to 31 May	88 090
78.0170	0806 10 10	Table grapes	From 21 July to 20 November	80 588
78.0175	0808 10 80	Apples	From 1 January to 31 August	700 556
78.0180			From 1 September to 31 December	65 039
78.0220	0808 20 50	Pears	From 1 January to 30 April	229 646
78.0235			From 1 July to 31 December	35 541
78.0250	0809 10 00	Apricots	From 1 June to 31 July	5 794
78.0265	0809 20 95	Cherries, other than sour cherries	From 21 May to 10 August	30 783
78.0270	0809 30	Peaches, including nectarines	From 11 June to 30 September	5 613
78.0280	0809 40 05	Plums	From 11 June to 30 September	10 293'