

**COMMISSION REGULATION (EC) No 1306/95**  
**of 8 June 1995**  
**amending Regulation (EC) No 3223/94 on detailed rules for the application of**  
**the import arrangements for fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 997/95<sup>(2)</sup>, and in particular Article 23 (2) thereof,

Whereas Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(3)</sup>, as amended by Regulation (EC) No 553/95<sup>(4)</sup>, introduces a mechanism for recording prices on the representative markets with a view to fixing a standard import value in order to determine the value of products imported on consignment so that they can be classified in the Common Customs Tariff; whereas, in the case of certain fresh products imported for processing, separate entry prices apply from 1 May and, for such products, which are not sold on consignment on the representative markets, a direct price recording mechanism may be used for their tariff classification; whereas the said mechanism may involve only the tariff classification of the products concerned on the basis either of the fob price of the products, plus the costs of insurance and freight up to the borders of the Community customs territory, or of the customs value referred to in Article 30 (2) (c) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(5)</sup>, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas, if the customs authorities consider that a security is required pursuant to Article 248 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<sup>(6)</sup>, as last amended by Regulation (EC) No 3254/94<sup>(7)</sup>, they must require an amount equal to the maximum amount of duty applicable to the product in question to be lodged; whereas, if the importer chooses to classify his products on the basis of the customs value

referred to in Article 30 (2) (c) of Regulation (EEC) No 2913/92, he must lodge a security equal to the maximum amount of duty applicable to the product in question;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3223/94 is hereby amended as follows:

1. The words 'the Annex' in Articles 2, 4, 5 and 6 are replaced by 'Part A of the Annex'.
2. The Annex is replaced by the Annex to this Regulation.
3. The following paragraph is inserted after Article 5 (1):
 

'1a. The entry price on the basis of which the products listed in part B of the Annex are classified in the customs tariff of the European Communities must be equal, as the importer chooses:

  - (a) either to the fob price of the products in their country of origin plus the costs in insurance and freight up to the borders of the Community customs territory, where that price and those costs are known at the time the customs declaration is made.

If the customs authorities deem that a security is required pursuant to Article 248 of Regulation (EEC) No 2454/93, the importer must lodge a security equal to the maximum amount of duty applicable to the product in question;

- (b) or to the customs value calculated in accordance with Article 30 (2) (c) of Regulation (EEC) No 2913/92 applied only to the imported products in question. In that case, the duty shall be deducted as provided for in Article 4 (1).

In that case the importer must lodge the security referred to in Article 248 of Regulation (EEC) No 2454/93, equal to the maximum amount of duty applicable to the product in question.<sup>7</sup>

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 101, 4. 5. 1995, p. 16.

<sup>(3)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(4)</sup> OJ No L 56, 14. 3. 1995, p. 1.

<sup>(5)</sup> OJ No L 302, 19. 10. 1992, p. 1.

<sup>(6)</sup> OJ No L 253, 11. 10. 1993, p. 1.

<sup>(7)</sup> OJ No L 346, 31. 12. 1994, p. 1.

4. The first subparagraph of Article 5 (2) is replaced by the following:

'2. The importer shall have one month from the sale of the products in question, subject to a limit of four months from the date of acceptances of the declaration of release for free circulation, to prove that the lot was disposed of under conditions confirming the correctness of the prices referred to in the second subparagraph of paragraph 1 (a) or paragraph 1a (a), or to determine the customs value referred to in paragraph 1 (b) and paragraph 1a (a). Failure to meet one or other of these deadlines shall entail the loss of the

security lodged, without prejudice to the application of paragraph 3.'

*Article 2*

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

It shall apply from 1 May 1995.

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

Done at Brussels, 8 June 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## Part A

CN code	Description	Period of application
0702 00 15 0702 00 20 0702 00 25 0702 00 30 0702 00 35 0702 00 40 0702 00 45 0702 00 50	Tomatoes	from 1 January to 31 March from 1 to 30 April from 1 to 14 May from 15 to 31 May from 1 June to 30 September from 1 to 31 October from 1 November to 20 December from 21 to 31 December
0707 00 10 0707 00 15 ex 0707 00 20 ex 0707 00 25 ex 0707 00 30 0707 00 35 0707 00 40	Cucumbers Cucumbers Cucumbers other than those intended for processing Cucumbers other than those intended for processing Cucumbers other than those intended for processing Cucumbers Cucumbers	from 1 January to end February from 1 March to 30 April from 1 to 15 May from 16 May to 30 September from 1 to 31 October from 1 to 10 November from 11 November to 31 December
0709 10 40	Artichokes	from 1 November to 31 December
0709 90 71 0709 90 73 0709 90 75 0709 90 77 0709 90 79	Courgettes	from 1 to 31 January from 1 February to 31 March from 1 April to 31 May from 1 June to 31 July from 1 August to 31 December
0805 10 61 0805 10 65 0805 10 69	Sweet oranges, fresh	from 1 to 31 December
0805 20 31	Clementines	from 1 November to 31 December
0805 20 33 0805 20 35 0805 20 37 0805 20 39	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	from 1 November to 31 December
0805 30 30 0805 30 40	Lemons	from 1 June to 31 October from 1 November to 31 December
0806 10 40 0806 10 50	Table grapes <sup>(1)</sup>	from 21 July to 31 October from 1 to 20 November
0808 10 71 0808 10 73 0808 10 79 0808 10 92 0808 10 94 0808 10 98	Apples <sup>(2)</sup>	from 1 to 31 July from 1 August to 31 December
0808 20 47 0808 20 51 0808 20 57 0808 20 67	Pears <sup>(3)</sup>	from 1 to 15 July from 16 to 31 July from 1 August to 31 October from 1 November to 31 December

CN code	Description	Period of application
0809 10 20 0809 10 30 0809 10 40	Apricots	from 1 to 20 June from 21 to 30 June from 1 to 31 July
0809 20 31 0809 20 39 0809 20 41 0809 20 49 0809 20 51 0809 20 59 0809 20 61 0809 20 69	Cherries	from 21 to 31 May  from 1 June to 15 July  from 16 to 31 July  from 1 to 10 August
0809 30 21 0809 30 29 0809 30 31 0809 30 39 0809 30 41 0809 30 49	Peaches and nectarines	from 11 to 20 June  from 21 June to 31 July  from 1 August to 30 September
0809 40 20 0809 40 30	Plums	from 11 to 30 June from 1 July to 30 September

(<sup>1</sup>) Except emperor grapes of CN code 0806 10 21, from 1 to 31 January.

(<sup>2</sup>) Except cider apples of CN code 0808 10 10, presented in bulk, from 16 September to 15 December.

(<sup>3</sup>) Except perry pears of CN code 0808 20 10, presented in bulk, from 1 August to 31 December.

#### Part B

CN code	Description	Period of application
ex 0707 00 20 ex 0707 00 25 ex 0707 00 30	Cucumbers intended for processing	from 1 to 15 May from 16 May to 30 September from 1 to 31 October