Commission Implementing Regulation (EU) No 366/2012 of 27 April 2012 amending Implementing Regulation (EU) No 543/2011 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries

COMMISSION IMPLEMENTING REGULATION (EU) No 366/2012

of 27 April 2012

amending Implementing Regulation (EU) No 543/2011 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries

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 2009, 2010 and 2011, the trigger levels for additional duties should be adjusted from 1 May 2012 for cucumbers and from 21 May 2012 for cherries other than sour cherries.

(3) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.

(5) 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:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 366/2012. (See end of Document for details)*

Article 1

Annex XVIII to Implementing 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 of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 April 2012.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 366/2012. (See end of Document for details)*

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	1 October to 31 May	481 762
78.0020			1 June to 30 September	44 251
78.0065	0707 00 05	Cucumbers	1 May to 31 October	13 402
78.0075			1 November to 30 April	18 306
78.0085	0709 91 00	Artichokes	1 November to 30 June	11 620
78.0100	0709 93 10	Courgettes	1 January to 31 December	54 760
78.0110	0805 10 20	Oranges	1 December to 31 May	292 760
78.0120	0805 20 10	Clementines	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	1 November to end of February	99 128
78.0155	0805 50 10	Lemons	1 June to 31 December	340 920
78.0160			1 January to 31 May	90 108
78.0170	0806 10 10	Table grapes	21 July to 20 November	80 588
78.0175	0808 10 80	Apples	1 January to 31 August	701 247