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EU Fruit and Vegetables Regime

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Report Highlights:

This report describes the present fruit and vegetables regime of the European Union.

Includes PSD changes: No

Includes Trade Matrix: No

Unscheduled Report

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1. INTRODUCTION	Page 1 of 15
2. FRESH FRUIT AND VEGETABLES	Page 2 of 15
A. COMMON MARKET ORGANIZATION	Page 2 of 15
B. QUALITY STANDARDS	Page 2 of 15
C. PRODUCER ORGANIZATIONS AND OPERATIONAL FUNDS	Page 2 of 15
D. INTERBRANCH ORGANIZATIONS	Page 4 of 15
E. INTERVENTION ARRANGEMENTS	Page 4 of 15
F. TRADE WITH THIRD COUNTRIES	Page 7 of 15
Entry Price System	Page 7 of 15
Export Refunds	Page 8 of 15
Tariff quotas	Page 9 of 15
3. PROCESSED FRUIT & VEGETABLES	Page 9 of 15
A. PRODUCTION AID SYSTEM	Page 9 of 15
Quota system	Page 10 of 15
Per Hectare aid for dried grapes	Page 10 of 15
Storage aid for dried grapes and dried figs	Page 10 of 15
Specific measures (white asparagus)	Page 10 of 15
B. TRADE WITH THIRD COUNTRIES	Page 11 of 15
Minimum import prices	Page 11 of 15
Special Safeguard clause	Page 11 of 15
Tariff quotas	Page 11 of 15
Export refunds	Page 11 of 15
4. CITRUS	Page 12 of 15
Compensation to encourage processing of citrus fruit	Page 12 of 15
5. OTHER SUPPORT MEASURES	Page 13 of 15
6. EU FRUIT AND VEGETABLES BUDGET	Page 14 of 15

EU FRUIT & VEGETABLES REGIME

1. INTRODUCTION

The EU fresh fruit and vegetable regime was reformed in 1996. This reform allowed the Commission to tackle specific weaknesses of the old regime such as the abuse of the withdrawal scheme in some Member States. The new regime reinforces the role of producer organizations, introduces the entry price system and takes account of the Uruguay Round accord.

The EU processed fruit and vegetables regime was also reformed in 1996. The main objective of this regime is to provide financial assistance (production aid) to the processing industry.

Neither the fresh nor the processed fruit and vegetable sector was part of last year's Agenda 2000 reforms. However, the EU Commission is required to review both regimes by the end of the year 2000 and present recommendations to the EU Council and Parliament. At this time, no major overhaul of EU support programs is expected. This report reviews the current system and how it is applied. Future reports will look at possible changes in the upcoming reform.

2. FRESH FRUIT AND VEGETABLES

A. COMMON MARKET ORGANIZATION

Basic rules for the common market organization (CMO) for fresh fruit & vegetables are laid down in Council Regulation 2200/96 which entered into force on January 1, 1997. It covers all fresh produce grown in the EU with the exception of potatoes, sweet corn, beans & peas for fodder, olives, wine grapes and bananas. The CMO includes the following provisions:

- the adoption of quality standards based on UN/ECE (United Nation Economic Commission for Europe) standards
- the recognition of producer organizations and Community financing of operational programs
- rules on interbranch organizations and agreements
- intervention arrangements
- trade with third countries (entry price system, tariff quotas and export refunds)
- national and Community checks

B. QUALITY STANDARDS

Imports into the EU of fresh produce are checked for compliance with EU-harmonized marketing standards. Standards (annex I to the CMO) have been set for and cover the following:

fruit: apples & pears, apricots, cherries, citrus fruit, kiwis, melons & watermelons, nectarines, peaches, plums, strawberries and table grapes

vegetables: artichokes, asparagus, aubergines (eggplant), avocados, beans, Brussels sprouts, cabbage, carrots,

cauliflower, celery, chicory, courgettes (zucchini), cucumbers, garlic, leeks, lettuce, onions, peas, spinach, sweet peppers and tomatoes.

Descriptions of these standards can be found on our website: www.useu.be/agri/Fruit-Veg.html

C. PRODUCER ORGANIZATIONS (POS) AND OPERATIONAL FUNDS

Producer organizations (PO's) are considered to be the basic elements in the CMO. "Producer organization" means any legal entity that has been formed on the initiative of growers of products falling within one of the following seven categories: Fruit & Vegetables, Fruit, Vegetables, Products intended for processing, Citrus, Nuts or Mushrooms. PO's cannot include traders. However, traders who also are producers are eligible to participate. The Council Regulation focuses on PO's in order to manage fruit & vegetables supply and prices throughout the EU. Environment-friendly practices as well as organized marketing efforts are also emphasized.

Detailed rules on the recognition of PO's are laid down in Commission Regulation 412/97.

EU financial assistance is channeled through PO's who submit an operational program to the competent member state authorities. Then, the member state's competent authority, usually the Ministry of Agriculture, either gives the funds directly to the PO or the funds are channeled through regional agricultural ministries who then distribute to the PO's. Operational programs have a minimum duration of three and a maximum duration of five years. Their objectives must include overall EU objectives such as supply and price management, marketing programs, quality improvement and promoting environment-friendly methods. However, a PO can decide what they want to focus on.

Operational funds also maybe used for topping up EU withdrawal payments or to pay withdrawal compensation for products not listed in Annex II to the CMO. The proportion of the operational fund which may be used to finance withdrawals may not exceed 60% in the 1st year, 55% in the 2nd, 50 in the 3rd, 45% in the 4th and 30% from the 6th year onwards following the date of approval of the PO's 1st operation program.

Operational funds are financed by the PO's members based on the value or volume of their produce marketed through the PO. The EU's contribution to the fund is limited to 50% of the PO's actual expenditure. This percentage may be raised to 60% for transnational or interbranch operations. However, EU financial assistance is currently capped at of 4.5% of the turnover of each PO provided that the total amount is less than 2.5% of the total turnover of all PO's.

Detailed rules on operational programs, operational funds and EU financial assistance are laid down in Commission Regulation 411/97, as amended. A list of operations and expenditures which may **NOT** be covered by operational programs is established in the Annex to Commission Regulation 1647/98 (amendment to reg. 411/97).

In 1999, only 40% of EU produce growers marketed their production through a PO.

OPERATIONAL FUNDS 1999			
Member State	# of POs	# of POs with an operational program	Value of marketed production via POs with an operation program (million Euro)
Belgium	6	6	738,14
Denmark	6	5	46,79
Germany	59	36	528,56
Greece	106	57	156,91
Spain	536	414	3,108.34
France	340	278	2,461.01
Ireland	6	5	16.66
Italy	120	88	2,034.28
Luxembourg	0	0	0
Netherlands	14	11	1,591.38
Austria	4	4	59.88
Portugal	39	24	35.13
Finland	9	5	19.71
Sweden	7	7	67.02
United Kingdom	75	68	446.38
Total	1,327	1,008	11,310.19
EU financial aid for 1999 was capped at 3.61%			

Source: European Commission

D. INTERBRANCH ORGANIZATIONS

"Interbranch organization" means legal entities representing the economic interest of organizations/associations linked to the production of and/or trade in and/or processing of products covered by the CMO and set up on the initiative of their members. The activities they carry out in one or more regions must take account of the consumers' interests and must be notified to the Commission. The organizations themselves may not be engaged in the production/processing/marketing of fruit and vegetables.

E. INTERVENTION ARRANGEMENTS

The perishable nature of fruit and vegetables makes them generally unsuitable for storage which means that they may

need to be withdrawn from the market in years of oversupply. EU intervention arrangements have been established for 16 products (annex II to the CMO):

cauliflowers, tomatoes, aubergines, apricots, peaches, nectarines, lemons, pears, table grapes, apples, satsumas, mandarins, clementines, oranges, melons and watermelons. Compensation is only paid for produce conforming to at least class II of the marketing standards in force (except for tomatoes).

The EU stipulates that withdrawal must be a short-term instrument to stabilize supply but should not provide a substitute outlet to the fresh produce market. The withdrawn products may be distributed free of charge to various institutions and charitable organizations, used for non-food purposes or in animal feed or transformed into alcohol. If none of these destinations are possible, the withdrawn products should be disposed of in a way that does not harm the environment.

As of marketing year 2002/03, the volume of products eligible for EU withdrawal compensation will be reduced to a 10% ceiling (8.5% for apples & pears) of the PO's marketed quantity. Withdrawals carried out during the 5-year transitional period, starting in 1997/98 (entry into force of the CMO), may not exceed the following percentages:

	1997/98	1998/99	1999/00	2000/01	2001/02	as of 2002
Citrus	35%	30%	25%	20%	15%	10%
Melons & Watermelons	10%	10%	10%	10%	10%	10%
Apples & Pears	50%	45%	40%	30%	20%	8.5%
Others	50%	45%	40%	30%	20%	10%

Until the 10% ceiling is reached, intervention thresholds are being set at the beginning of each marketing year. Any overrun of the intervention threshold will reduce the value of EU compensation in the following marketing year. Withdrawal compensation has been reduced for cauliflowers, peaches and nectarines for the 2000/01 marketing year.

EU withdrawal compensation, based on average 1995/96 marketing year prices, is gradually being reduced over the 5-year transitional period. Compensation for citrus fruit has been based on the lowest withdrawal price applicable in 1995/96 marketing year, except for satsumas for which compensation was based on the highest price.

Community withdrawal compensation in Euro/100 kg (annex V to the CMO):

MY	1997/98	1998/99	1999/00	2000/01	2001/02	as from 2002/03
Cauliflowers	9.34	8.88	8.41	7.94	7.48	7.01
Tomatoes	6.44	6.12	5.80	5.47	5.15	4.83
Apples	10.69	10.32	9.94	9.56	9.18	8.81
Grapes	10.69	10.15	9.62	9.08	8.55	8.02
Apricots	18.90	17.95	17.01	16.06	15.12	14.17
Nectarines	17.39	16.52	15.65	14.78	13.91	13.04
Peaches	14.65	13.92	13.18	12.45	11.72	10.99
Pears	10.18	9.82	8.46	9.10	8.75	8.39
Aubergines	5.29	5.02	4.76	4.49	4.23	3.97
Melons	4.00	4.00	4.00	4.00	4.00	4.00
Watermelons	4.00	4.00	4.00	4.00	4.00	4.00
Oranges	14.33	14.26	14.20	14.13	14.07	14.00
Mandarins	16.15	15.52	14.89	14.26	13.63	13.00
Clementines	12.74	12.79	12.84	12.90	12.95	13.00
Satsumas	10.49	10.99	11.49	12.00	12.50	13.00
Lemons	13.37	13.30	13.22	13.15	13.07	13.00

Individual producers who are not members of a PO may also request withdrawal compensation through a PO. The compensation will be reduced by 10% and limited to 10% of the grower's marketed production and the grower will have to contribute to administrative costs.

Use of the operational fund to top up the EU withdrawal compensation may not exceed the maximum level of withdrawal prices applying in the 1995/96 marketing year (annex VIII to the CMO):

Product	Max. price 1995/96	Maximum Supplement (Euro/100 kg)					
		MY 1997/98	MY 1998/99	MY 1999/00	MY 2000/01	MY 2001/02	As of 2000/03
Tomatoes	12.84	6.40	6.72	7.04	7.37	7.69	8.01
Cauliflowers	13.51	4.17	4.64	5.10	5.57	6.04	6.50
Apples	15.04	4.35	4.73	5.10	5.48	5.86	6.23
Grapes	15.45	4.76	5.29	5.83	6.36	6.90	7.43
Apricots	23.36	4.46	5.41	6.35	7.30	8.24	9.19
Nectarines	25.43	8.04	8.91	9.78	10.65	11.52	12.39
Peaches	22.53	7.88	8.61	9.35	10.08	10.81	11.54
Pears	14.83	4.65	5.01	5.37	5.73	6.09	6.44
Aubergines	7.62	2.33	2.59	2.86	3.12	3.39	3.65
Oranges	15.85	1.52	1.59	1.65	1.72	1.78	1.85
Mandarins	17.48	1.33	1.96	2.59	3.22	3.85	4.48
Clementines	13.70	0.96	0.91	0.86	0.80	0.75	0.70
Satsumas	10.49	0.00	0.00	0.00	0.00	0.00	0.00
Lemons	17.26	3.89	3.96	4.04	4.11	4.19	4.26
Melons	N/A	N/A	N/A	4.20	4.20	4.20	4.20
Watermelons	N/A	N/A	N/A	2.70	2.70	2.70	2.70

(Commission Regulation 1490/98, 729/1999)

F. TRADE WITH THIRD COUNTRIES

Entry Price System

Imports of fresh aubergines, courgettes (zucchini), cucumbers, tomatoes, apples, apricots, cherries, peaches & nectarines, pear, plums, table grapes, clementines, lemons, mandarins and oranges are subject to the entry price system. Different tariffs apply to each product depending on the "entry price" of the product at the time of import. This means that the import duty rate varies according to the value of each shipment.

Fruits and vegetables imported at or over an established entry price are charged an ad valorem duty only. Produce

valued below the entry price are charged a tariff equivalent in addition to the ad valorem duty. The tariff equivalent is graduated for products valued between 92% and 100% of the entry price. The ad valorem duty and the full tariff equivalent are levied on imports valued at less than 92% of the entry price. The entry price is being reduced by 20% over the 6-year GATT implementation period.

An importer can choose one of three methods to calculate the entry price:

- the standard import value (SIV): calculated on a daily basis, by product and by origin, and published in the Official Journal
- the fob price of the products in their country of origin
- the effective resale value of the shipment concerned

Detailed rules for the application of the import arrangements and the calculation methods are laid down in Commission regulation 3223/94, as amended.

Conditions to levy additional import duties on imports falling below "trigger prices" or exceeding "trigger volumes" are set out in Art. 5 of GATT. This special safeguard clause allows the EU to monitor imported volumes of products subject to the entry price system. If these volumes exceed an established "trigger level", consignments imported below 92% of the entry price may incur an additional duty. Since its inception, the safeguard clause has not been used.

Detailed rules on the application of the safeguard clause are laid down in Commission Regulation 1555/96, as amended. Commission Regulation 2623/98 establishes an on-line monitoring system and abolishes the import licence requirement.

Export Refunds

Export subsidies are bound in the WTO as an aggregate commitment for the product group "fresh fruit and vegetables" and the product group "processed fruit and vegetables". The "fresh fruit and vegetables" group consists of 11 specified products: tomatoes, shelled almonds, hazelnuts or filberts, walnuts, oranges, mandarins, clementines, lemons & limes, table grapes, apples and peaches & nectarines. A reduction of 21% in volume and 36% in budget was agreed under GATT. (also see GAIN report E20032)

WTO notifications of EU subsidized exports				
	Marketing Year 1998/1999		Marketing Year 1997/1998	
	Million ECU	Quantity (000 MT)	Million ECU	Quantity (000 MT)
Fresh Fruit & Vegetables	31.6	763	26	837.4

Export refunds are granted on the basis of export licences which may be issued under three systems:

system A1: standard system with advance fixing of the refund. Under this system, exporters apply for a refund applicable on the date of the license application.

system A2: special system with advance fixing of the refund. Under this system, exporters apply for a definitive refund and a specific quantity of products.

system B: system without advance fixing of the refund

Detailed rules for the application of the system of export refunds on fruit and vegetables are laid down in Commission Regulation 2190/96, as amended.

Tariff quotas

The CMO also provides for the opening and administration of tariff quotas. Quotas are administered using one or a combination of the following methods:

- method based on chronological order (first come, first served)
- method of allocating quotas in proportion to quantities requested
- method based on traditional trade flows

WTO tariff quotas are published in the EU Tariff Schedule.

3. PROCESSED FRUIT & VEGETABLES

Rules for the common market organization for processed fruit and vegetables are laid down in Council Regulation 2201/96 which also entered into force on January 1, 1997. The CMO covers the following provisions:

- production aid system
- trade with third countries

A. PRODUCTION AID SYSTEM

The production aid system applies to the following products (annex I to the CMO):

tomato products, dried figs, prunes, William & Rocha pears and peaches. Production aid is granted to processors who pay established minimum prices to producer organizations delivering raw materials under contracts. The minimum price is calculated on the basis of the minimum price set in the previous marketing year and the current movement in market prices in the fresh produce sector. The finished product has to meet minimum quality requirements which are laid down in Commission Regulations. The production aid may not exceed the difference between the minimum price paid to the producer and the price of raw materials in main competing third countries. Minimum prices are fixed at the beginning of each marketing year.

Detailed rules for the application of the production aid system are laid down in Commission Regulation 504/97, as amended.

Only canned peaches and pears have penalties imposed if production goes over a certain level: 582,000 MT for canned peaches and 102,805 MT for canned pears.

Quota system

The CMO establishes a quota system for granting production aid for tomato products. The production aid is limited to a volume of processed products corresponding to a volume of 6,836,262 MT of fresh tomatoes. The volume of processed products is apportioned every five years among three separate product groups: tomato concentrate, canned whole peeled tomatoes and other tomato products and shared between the five producer Member States (France, Greece, Italy, Spain and Portugal).

Detailed rules for the application of the quota system for processed tomato products are laid down in Commission Regulation 2807/98.

Per Hectare aid for dried grapes

Per hectare aid is granted for the cultivation of grapes intended for the production of dried grapes (sultana, raisins and currants). The amount of aid is fixed per hectare of specialized area harvested, on the basis of the average yield of that area. In fixing the amount of aid, account is taken of the need to maintain specialized areas and the outlets available for dried grapes. The CMO sets a maximum guaranteed Community area equal to the average of areas used for these crops in marketing years 1987/1988, 1988/89 and 1989/90. If the maximum guaranteed area (53,000 hectares) is exceeded, the amount of the aid is reduced.

Detailed rules are laid down in Commission Regulation 2911/90.

Storage aid for dried grapes and dried figs

Storage aid is granted to "storage agencies", approved by the Member States, who buy in sultanas, currants and dried figs during the last two months of a marketing year. MY for sultanas/currants is September 1 - August 31, MY for dried figs is July 1 - June 30. Storage aid is paid for products complying with established quality standards and is limited to 27,370 MT per marketing year. The buying-in price for dried figs is the minimum price for the lowest quality class minus 5%. The buying-in price for sultanas and currants currently in force is the marketing year 1994/95 buying-in price adjusted each year in line with the change in world prices for sultanas and currants.

Detailed rules are laid down in Commission Regulation 626/85 and 627/85.

Specific measures (white asparagus)

The CMO introduces specific measures to promote and enhance the competitiveness of products which are of economic or ecological importance at local or regional level and face strong international competition. Such measures

may include:

- action to improve the suitability for processing
- action to perfect the scientific/technical aspects of new operational methods with a view to improving quality and/or reducing production costs for processed products
- action relating to the development of new products and/or new uses for processed products
- carrying out market studies
- action to promote the consumption and use of the products concerned.

Under this article, a flat-rate aid of 500 Euro per hectare for a maximum of 9,000 hectares is provided for asparagus intended for processing during the first three years following implementation of the specific measures.

Commission Regulation 956/97 lays down detailed rules for the application of specific measures for processed asparagus.

B. TRADE WITH THIRD COUNTRIES

Imports of the following processed products into the EU are subject to presentation of an import license: dried grapes (excl. currants), cherries, peaches, orange juice, mushrooms, tomato concentrate and asparagus.

Minimum import prices

Minimum import prices under this CMO only applied to dried grapes and processed cherries for marketing years 1997/98, 1998/99 and 1999/2000. The minimum import price for marketing year 1999/2000 was set at zero.

Special Safeguard clause

Conditions to levy additional import duties on imports of certain products covered by this CMO which fall below "trigger prices" or exceeding "trigger volumes" are set out in Art. 5 of the Uruguay Round Agreement.

Tariff quotas

This CMO also provides for the opening and administration of tariff quotas. Quotas are administered using one or a combination of the following methods:

- method based on chronological order (first come, first served)
- method of allocating quotas in proportion to quantities requested
- method based on traditional trade flows

WTO tariff quotas are published in the EU Tariff Schedule.

Export refunds

Export refunds, based on the difference between EU prices and international prices, may be paid to certain products covered by this CMO. The following products are currently eligible for export refunds: provisionally preserved cherries, peeled tomatoes, preserved cherries, prepared hazelnuts and certain orange juices. Export refunds reported to the WTO are not broken out by commodity.

WTO notifications of EU subsidized exports				
	Marketing Year 1998/1999		Marketing Year 1997/1998	
	Million ECU	Quantity (000 MT)	Million ECU	Quantity (000 MT)
Processed Fruit & Vegetables	4.5	87.1	5.7	98.5

Detailed rules on export refunds on products processed from fruit and vegetables, other than those granted for added sugar are laid down in Commission Regulation 1430/95.

Refunds may also be fixed on the content of white & raw sugar, glucose & glucose syrup, isoglucose and beet & cane syrups used in the products covered by this CMO. Refunds on raw & white sugar, beet & cane syrup and isoglucose fall under the sugar regime. Refunds on glucose and glucose syrup fall under the cereals regime.

4. CITRUS

Compensation to encourage processing of citrus fruit

Council Regulation 2202/96 introduces an aid scheme for producer organizations delivering certain citrus fruits to processors under contracts. The aid scheme covers lemons, grapefruit, oranges, mandarins and clementines processed into juice and clementines and satsumas processed into segments. A processing threshold of 320,000 MT has been fixed for mandarins, clementines and satsumas, 444,000 MT for lemons, 6,000 MT for grapefruit and 1,189,000 MT for oranges. Overrunning the threshold, assessed on the basis of the last three marketing years including the current, results in a 1% reduction per tranche of the overrun. The aim of this regulation is to encourage growers to present their products for processing rather than for withdrawal.

Amount of aid granted to producer organizations delivering citrus fruit to the processing industry (Euro/100 kg net)				
Contracts covering one MY	1999/2000	2000/01	2001/02	2002/03 and subsequent MYs
Lemons	9.25	9.21	9.15	9.10

Grapefruit	9.25	9.21	9.15	9.10
Oranges	9.94	9.89	9.85	9.80
Mandarins	10.42	9.98	9.54	9.10
Clementines	8.99	9.03	9.07	9.10
Satsumas	8.04	8.40	8.75	9.10
Multi-annual Contracts	1999/2000	2000/01	2001/02	2002/03 and subsequent MYs
Lemons	10.64	10.59	10.52	10.47
Grapefruit	10.64	10.59	10.52	10.47
Oranges	11.43	11.37	11.33	11.27
Mandarins	11.99	11.48	1.97	10.47
Clementines	10.34	10.38	10.42	10.47
Satsumas	9.25	9.66	10.06	10.47
Individual Producers (non-members)	1999/2000	2000/01	2001/02	2002/03 and subsequent MYs
Lemons	8.33	8.28	8.23	8.19
Grapefruit	8.33	8.28	8.23	8.19
Oranges	8.95	8.90	8.86	8.82
Mandarins	9.38	8.98	8.59	8.19
Clementines	8.09	8.13	8.16	8.19
Satsumas	7.24	7.56	7.88	8.19

Detailed rules for the application of this regulation are established in Commission Regulation 1169/97.

5. OTHER SUPPORT MEASURES

- Promotional measures: Community financing that is paid through Member States to promote apples & citrus fruit and grape juice is included. Other promotional funds for olive oil, flax and nuts are paid directly to trade/producer organizations. 3 million € for export promotion programs has been approved under the FY 2000 budget. The EU

finances between 40 and 100% of the cost of the promotion programs. (also see GAIN report E20048)

Detailed rules are laid down in Commission Regulation 2282/90.

- Orchard grubbing grants: all schemes have closed. There was no new grubbing up proposal for the current marketing year. The closing date for applications under the latest scheme was February 15, 1998. Detailed rules for the 1998 scheme are laid down in Commission Regulation 2467/97.

- Production aid for processed raspberries: Council Regulation 1991/92 establishes a special aid scheme for raspberries intended for processing. Programs to improve the competitiveness of the sector receive EU financial assistance up to 40% of the expenditure incurred.

- Council Regulation 2159/89 provided for a 10 year improvement program for nuts. The program ends this marketing year (1999/2000) and will probably not be extended.

6. EU FRUIT AND VEGETABLES BUDGET

EAGGF Guarantee Section - EU Budget Financial Year 2000 (Official Journal L40 - 2/14/2000)

Fresh Fruit and Vegetables (million Euro)			
	Appropriations 2000	Appropriations 1999	Actual 1998
Export refunds	40	55	41
Compensation for withdrawals and buying in	165	148	138
Operational fund for producer organizations	303	261	239
Specific measures for hazelnut producers	12	11	3
Measures to improve production	-	36	67
Nuts	89	86	110
Bananas	264	241	208
Other intervention	20	30	34
Total	893	868	841

Processed Fruit and Vegetables (million Euro)			
	Appropriations 2000	Appropriations 1999	Actual 1998
Export refunds	12	10	18
Production aid for processed tomato products	269	317	328
Production aid for fruit-based products	97	98	87
Production aid and intervention for processed dried grape products	131	134	115
Production aid for tinned pineapple	8	8	6
Compensation to encourage processing of citrus fruits	238	189	113
Production aid for processed raspberries	1	1	0.3
Specific measures	6	6	3
Other intervention	-	-	
Total	762	763	670