

## COMMISSION REGULATION (EEC) No 2153/85

of 30 July 1985

introducing a countervailing charge on aubergines originating in Spain

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic 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 Regulation (EEC) No 1332/84<sup>(2)</sup>, and in  
particular the second subparagraph of Article 27 (2)  
thereof,

Whereas Article 25 (1) of Regulation (EEC) No  
1035/72 provides that, if the entry price of a product  
imported from a third country remains at least 0,6  
ECU below the reference price for two consecutive  
market days, a countervailing charge must be intro-  
duced in respect of the exporting country concerned,  
save in exceptional circumstances; whereas this charge  
is equal to the difference between the reference price  
and the arithmetic mean of the last two entry prices  
available for that exporting country;

Whereas Commission Regulation (EEC) No 752/85 of  
22 March 1985 fixing for the 1985 marketing year the  
reference prices for aubergines<sup>(3)</sup> fixed the reference  
price for products of class I for the month of July  
1985 at 69,85 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country  
is equal to the lowest representative prices recorded for  
at least 30 % of the quantities from the exporting  
country concerned which are marketed on all repre-  
sentative markets for which prices are available less the  
duties and the charges indicated in Article 24 (3) of  
Regulation (EEC) No 1035/72; whereas the meaning  
of representative price is defined in Article 24 (2) of  
Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-  
tion (EEC) No 2118/74<sup>(4)</sup>, as last amended by Regula-  
tion (EEC) No 3110/83<sup>(5)</sup>, the prices to be taken into

consideration must be recorded on the representative  
markets or, in certain circumstances, on other  
markets;

Whereas, for Spanish aubergines, the entry price calcu-  
lated in this way has remained at least 0,6 ECU below  
the reference price for two consecutive market days;  
whereas a countervailing charge should therefore be  
introduced for these aubergines;

Whereas, if the system is to operate normally, the  
entry price should be calculated on the following  
basis:

- in the case of currencies which are maintained in  
relation to each other at any given moment within  
a band of 2,25 %, a rate of exchange based on  
their central rate, multiplied by the coefficient  
provided for in Article 2b (2) of Regulation (EEC)  
No 974/71<sup>(6)</sup>, as last amended by Regulation (EEC)  
No 855/84<sup>(7)</sup>,
- for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each of  
these currencies recorded over a given period in  
relation to the Community currencies referred to  
in the previous indent, and the aforesaid coeffi-  
cient,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of 34,10 ECU per 100 kilo-  
grams net is applied to aubergines (subheading 07.01  
T II of the Common Customs Tariff) originating in  
Spain.

*Article 2*

This Regulation shall enter into force on 1 August  
1985.

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

<sup>(2)</sup> OJ No L 130, 16. 5. 1984, p. 1.

<sup>(3)</sup> OJ No L 81, 23. 3. 1985, p. 22.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 303, 5. 11. 1983, p. 5.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 30 July 1985.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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