COMMISSION REGULATION (EEC) No 1313/78

of 15 June 1978

introducing a countervailing charge on tomatoes originating in Morocco

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 [1], as last amended by Regulation (EEC) No 1154/78 [2], 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 0·50 unit of account below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exeptional 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 1180/78 of 31 May 1978 fixing until the end of the 1978 marketing year the reference price for tomatoes [3] fixed the reference price for products of Class I for the period 1 June to 10 July 1978 at 58·19 units of account 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 representative 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 Regulation (EEC) No 2118/74 [4], as last amended by Regulation (EEC) No 668/78 [5], the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets ; whereas it is necessary to multiply the prices with the coefficients fixed in Article 1 (2) (a) of Regulation (EEC) No 1180/78 ;

Whereas, for Moroccan tomatoes, the entry price calculated in this way has remained at least 0·50 unit of account below the reference price for two consecutive market days ; whereas a countervailing charge should therefore be introduced for these tomatoes ;

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 effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous subparagraph,

HAS ADOPTED THIS REGULATION :

Article 1

A countervailing charge of 12·11 units of account per 100 kilograms net is applied to tomatoes (subheading 07.01 M of the Common Customs Tariff) originating in Morocco.

Article 2

This Regulation shall enter into force on 17 June 1978.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 144, 31. 5. 1978, p. 5.
(3) OJ No L 145, 1. 6. 1978, p. 43.
(4) OJ No L 220, 10. 8. 1974, p. 20.
(5) OJ No L 90, 5. 4. 1978, p. 5.

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

Done at Brussels, 15 June 1978.

For the Commission

Finn GUNDELACH

Vice-President