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COMMISSION REGULATION (EEC) No 1291/70

of 1 July 1970

fixing the procedures for giving effect to Article 11 (2) of Regulation No 23 on the progressive establishment of a common organization of the market in fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 23 on the progressive establishment of a common organization of the market in fruit and vegetables (1), as last amended by Regulation (EEC) No 2512/69 (2), and in particular Article 11 (2) thereof,

Whereas it is necessary to define the characteristics of the product for which the quotations serving as a basis for the calculation of the reference price must be fixed and the stage at which these recordings should be made;

Whereas it is desirable to establish the facts which the Member States must communicate to the Commission with a view to fixing the reference price;

Whereas, in order to make the price of the imported product and the reference price comparable, it is desirable to show how the quotations for the imported product should be noted and calculated; whereas it should be possible to adjust the quotations for the imported product by conversion factors where the characteristics of the product differ from those of the product used for fixing the reference price; whereas, it is appropriate to fix the deductions to bring the quotations for the imported product down to the importer/wholesaler stage when the quotations can be recorded only at a later selling stage;

Whereas the list of representative import markets should be fixed on which the quotations of imported products are to be recorded; whereas, apart from these quotations, Member States should communicate to the Commission all other details necessary for the calculation of the entry price;

Whereas it is necessary to fix the criteria to be used in order to amend the countervailing duties in force;

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

1. The reference price shall be fixed each year before the beginning of the marketing year of the product in question.

The quotations to be taken into consideration for calculating this price must relate to the 'ex producer groups' marketing stage, or, failing that, any other comparable marketing stage for products of all sizes of class I, packaged, the cost of packing being included in the quotation.

2. If, for a given Member State and for one of the periods into which the marketing year is divided, quotations relating to several markets are available for a variety or group of varieties, after any quotations which seem to be either excessively high or excessively low have been eliminated, the quotation used to calculate the producer price shall be, for each reference season, the lowest quotation.

(1) OJ No 30, 20, 4. 1962, p. 965/62.
(2) OJ No L 318, 18. 12. 1969, p. 4,

Article 2

For the fixing of the reference price, Member States shall notify the following information to the Commission each year:

— the quotations provided for in Article 1 (1), spread over periods of a month, a fortnight, 10 days or a week and recorded over the previous three years on each representative market in those production zones where the quotations are lowest;

— the arithmetical average of quotations recorded on the same markets and for the same periods over five years which precede the fixing of the reference price.

Article 3

1. An entry price for each country of origin shall be calculated each day for each product or group of products imported from third countries.

The quotations to be taken into consideration for calculating the import price shall be the quotations recorded on the representative import markets referred to in paragraph 2 and noted or calculated under the conditions provided for in Article 4.

They shall be, subject to the provisions of subparagraphs 6 and 7 of Article 11 (2) of Regulation No 23, adjusted by conversion factors if, because of its variety or quality class in particular, the characteristics of the imported product differ from those of the product used for the fixing of the reference price.

2. The following markets shall be considered as representative within the meaning of paragraph 1:

The Kingdom of Belgium and the Grand-Duchy of of Luxembourg:	Antwerp, Brussels;
The Federal Republic of Germany:	Hamburg, Munich, Frankfurt, Dusseldorf, Cologne;
The French Republic:	Paris-Rungis, Marseilles, Rouen, Dieppe, Perpignan;
The Italian Republic:	Milan;
The Kingdom of the Netherlands:	Rotterdam.

Article 4

On each representative market, for each product and for each country of origin, the quotations shall be noted or calculated in the following manner:

(a) they must refer, where necessary, to each variety of the product in question;

(b) they shall be recorded at the importer/wholesaler stage; however, where they can be recorded only at the wholesaler/retailer stage, they shall be reduced by:

— an amount equal to 9% to take into account the profit margin of the wholesaler; and

— an amount equal to 0·3 unit of account per 100 kilogrammes to take into account the handling charges and the marketing taxes and dues;

(c) they must relate to products coming under the quality class used for fixing the reference price and to those products marketed in the class below;

(d) they must relate to all available sizes.

Article 5

1. For each country of origin, Member States shall notify the Commission each market day in respect of each representative market:

(a) the quotations noted or calculated under the conditions provided for in Article 4 in respect of products falling into the quality class used for fixing the reference price, or, failing that, in respect of products in the class below;

(b) the amounts to be deducted corresponding to the incidence of:

— customs duty laid down in the Common Customs Tariff, and

— other import taxes where the incidence of these taxes is included in the quotations;

(c) the total quantities of the product in question sold on this market.

2. They shall notify regularly to the Commission:

(a) the quotations noted or calculated under the conditions provided for in Article 4 in respect of products falling within the quality class below that used to fix the reference price where they have not already been notified in accordance with the provisions laid down in subparagraph (a) of the preceding paragraph;

(b) the quantities of each variety of product for which the quotations are notified;

(c) the estimated share of the different quality classes for which the quotations are notified.

Article 6

The amount of an established countervailing duty shall be considered as inadequate within the meaning of subparagraph 12 of Article 11 (2) of Regulation 23 if the variation of the factors of its calculation would involve, over a period of three successive market days, an amendment to that amount of more than one unit of account.

The provisions of the preceding subparagraph shall not, however, present any obstacle to amending the amount of a tax as a result of a change in the group of countries of origin affected by this tax.

Article 7

Regulation No 99/65/EEC is hereby repealed.

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

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

Done at Brussels, 1 July 1970.

For the Commission

The President

Jean REY