17.5.72 Official Journal of the European Communities No L 115/37

REGULATION (EEC) No 1006/72 OF THE COMMISSION

of 16 May 1972

fixing reference prices for cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Regulation No 23[1] on the progressive establishment of a common organization of the market in fruit and vegetables, as last amended by Regulation (EEC) No 2727/71[2], and in particular Article 11 (2) thereof;

Whereas the first subparagraph of Article 11 (2) of Regulation No 23 and Article 1 (1) of Commission Regulation (EEC) No 1291/70[3] of 1 July 1970 laying down detailed rules for the application of that Article provide that reference prices valid for the whole Community must be fixed each year before the beginning of the marketing year;

Whereas, given the extent of cherry production in the Community, a reference price must be fixed for that product;

Whereas the reference price for a home-grown product with given commercial specifications is equal to the arithmetic mean of producer prices in each Member State, increased by an amount calculated on the basis of marketing costs with a view to enabling the reference price and prices of products imported from third countries to be compared at the same marketing stage; whereas Article 1 (1) of Regulation (EEC) No 1291/70 provides that the quotations to be taken into consideration when producer prices are being determined must relate either to the 'ex producer group' marketing stage or to another comparable marketing stage; whereas the sixth subparagraph of Article 11 (2) of Regulation No 23 provides that entry prices for imported products must be calculated at, or converted to, the import wholesale stage; whereas these prices are therefore directly comparable to the arithmetic mean of producer prices; whereas there is consequently no need to increase the latter by the amount referred to above;

Whereas the second subparagraph of Article 11 (2) of Regulation No 23 provides that producer prices in each Member State must correspond to the average of quotations recorded during the three years preceding the fixing of the reference price on the representative market or markets situated in the production areas where prices are lowest; whereas Article 1 (1) of Regulation (EEC) No 1291/70 provides that the quotations used for the purposes of this calculation must relate to Class I produce of all sizegrades put up in packages, the cost of the package being included in such quotations; whereas the second subparagraph of Article 11 (2) of Regulation No 23 prescribes that only quotations for products or varieties which represent a considerable proportion of marketed production for part of the year or all the year round should be taken into account;

Whereas the third subparagraph of Article 11 (2) of Regulation No 23 provides that, when the average of quotations on each representative market is being calculated, quotations which seem excessively high or excessively low in relation to normal price fluctuations on that market must be excluded;

Whereas in order to take seasonal price fluctuations into account the marketing year should be subdivided into a number of periods and a reference price fixed for each of these periods;

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

The reference prices for cherries (heading No 08.07 C of the Common Customs Tariff), expressed in units of account per 100 kg net weight, shall be as follows for Class I produce of all size-grades put up in packages:

May (11 to 31 inclusive)	41·8
June	34·9
July	33·4
August	25·3

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*. It shall apply until 30 April 1973.

[1] OJ No 30, 20.4.1962, p. 965/62.
[2] OJ No L 282, 23.12.1971, p. 8.
[3] OJ No L 144, 2.7.1970, p. 10.

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

Done at Brussels, 16 May 1972.

For the Commission
The President
S. L. MANSHOLT