No L 128/20 Official Journal of the European Communities 3.6.72

REGULATION (EEC) No 1158/72 OF THE COMMISSION

of 2 June 1972

fixing the reference prices for tomatoes

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[1] of 18 May 1972 on the common organization of the market in fruit and vegetables, and in particular Article 27 (1) thereof;

Whereas Article 23 (1) of Regulation (EEC) No 1035/72 and Article 1 (1) of Commission Regulation (EEC) No 1291/70[2] of 1 July 1970 laying down detailed rules for the application of that Article provide that reference prices valid for the whole of the Community must be fixed each year before the beginning of the marketing year;

Whereas, given the extent of tomato production within 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 any other comparable marketing stage; whereas the first subparagraph of Article 24 (2) of Regulation (EEC) No 1035/72 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 Article 23 (2) of Regulation (EEC) No 1035/72 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 packed Class I products of all size grades, the cost of the packing being included in the quotations; whereas Article 23 (2) of Regulation (EEC) No 1035/72 lays down that only quotations recorded for products or varieties which represent a considerable proportion of marketed production for part of the year or throughout the whole year should be taken into account;

Whereas Article 23 (3) of Regulation (EEC) No 1035/72 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 fluctuations into account the marketing year should be subdivided into a number of periods and a reference price fixed for each of those periods;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Fruit and Vegetables;

[1] OJ No L 118, 20.5.1972, p. 1.
[2] OJ No L 144, 2.7.1970, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for tomatoes (subheading No 07.01 M of the Common Customs Tariff) expressed in units of account per 100 kg net are hereby fixed as follows for packed Class I products of all size grades:

— from 1 June to 10 July inclusive	17·7
— from 11 July to 31 August inclusive	11·0
— September	12·1
— October	14·6
— November	13·3
— December (from 1 to 20 inclusive)	10·6

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.

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

Done at Brussels, 2 June 1972.

For the Commission

The President

S. L. MANSHOLT