REGULATION (EEC) No 1291/73 OF THE COMMISSION

of 17 May 1973

introducing a countervailing charge on tomatoes imported from Bulgaria and Romania

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, as last amended by Regulation (EEC) No 2745/72 [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 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 999/73 [3] of 11 April 1973 fixing the reference prices for tomatoes for the 1973 marketing year fixes the reference price for class I products at 46·9 units of account per 100 kg net for the month of May 1973 ;

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 and whereas the meaning of representative markets is defined in Article 24 (2) of Regulation (EEC) No 1035/72 ;

Whereas it is necessary to record the prices to be taken into consideration on the representative markets referred to in Regulation (EEC) No 1291/70 [4], amended by Regulation (EEC) No 2846/72 [5] and affect this price where applicable by the coefficient fixed in Article 1 (2) of Regulation (EEC) No 999/73 ;

Whereas, for tomatoes from Bulgaria and Romania, 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 tomatoes imported from Bulgaria and Romania ;

Whereas the entry prices available at present for these two exporting countries allow the application of one charge ; whereas Commission Regulation (EEC) No 1275/73 of 16 May introducing a countervailing charge on tomatoes imported from Bulgaria [6] should therefore be repealed ;

HAS ADOPTED THIS REGULATION :

Article 1

1. A countervailing charge of 7·3 units of account per 100 kg net is applied to tomatoes (subheading 07.01 M of Common Customs Tariff) imported from Bulgaria and Romania.

2. Regulation (EEC) No 1275/73 is hereby repealed.

Article 2

This Regulation shall enter into force on 19 May 1973.

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

Done at Brussels, 17 May 1973.

For the Commission

The President

François-Xavier ORTOLI

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(1) **OJ No** L 118, 20. 5. 1972, p. 1.
(2) **OJ No** L 291, 28. 12. 1972, p. 147.
(3) OJ No L 99, 13. 4. 1973, p. 30.
(4) **OJ No** L 144, 2. 7. 1970, p. 10.
(5) **OJ No** L 299, 31. 12. 1972, p. 1.
(6) OJ No L 130, 17. 5. 1973, p. 37.