REGULATION (EEC) No 499/73 OF THE COMMISSION

of 15 February 1973

fixing the reference prices for apples for the rest of the season 1972/73

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 Article 27 (1) thereof ;

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72 and to 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, reference prices for the whole Community are fixed each year before the beginning of the marketing year ; whereas for the present marketing year, however, since the Treaty [4] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, is to apply to this sector from 1 February 1973, reference prices for apples were fixed up to 31 January 1973 only ; whereas prices should therefore be fixed for the rest of the marketing year, account being taken of conditions of production in respect of the products in question in the new Member States ;

Whereas, pursuant to Article 57 of the Act annexed to the aforesaid Treaty, prices in the new Member States are to be reduced by the compensatory amounts ;

Whereas for a home-grown product with defined commercial characteristics the reference price is equal to the arithmetic mean of the producer prices in each Member State, plus an amount, based on marketing costs, calculated with a view to enabling the reference price and prices of imported products to be compared at the same marketing stage ; whereas, under Article 1 (1) of Regulation (EEC) No 1291/70, the prices to be used in determining those producer prices must relate to the 'ex-producers group' stage or to any other comparable marketing stage ; whereas, under the first subparagraph of Article 24 (2) of Regulation (EEC) No 1035/72, the entry prices of imported products must be calculated at or converted to the 'import/wholesale' stage ; whereas those prices are then directly comparable with the arithmetic mean of the producer prices and therefore do not need to be increased by the amount referred to above ;

Whereas Article 23 (2) of Regulation (EEC) No 1035/72 provides that producer prices in each Memebr State are to correspond to the average of the prices recorded during the three years prior to the date of fixing the reference price, on the representative market or markets situated in the production areas where prices are lowest ; whereas the prices on which calculations are based must, under Article 1 (1) of Regulation (EEC) No 1291/70, relate to Class I products, of all sizes, packed, the packing costs being included in the price ; whereas Article 23 (2) of Regulation (EEC) No 1035/72 further provides that only prices recorded for products or varieties representing a considerable proportion of the production marketed for part of the year or throughout the whole year shall be used ;

Whereas for each representative market the average of the prices must, in accordance with Article 23 (3) of Regulation (EEC) No 1035/72, be established disregarding prices which appear excessively high or low in relation to normal fluctuations on the market ;

Whereas, since not all varieties of apples are comparable in terms of their commercial value, they should be classed in three groups ;

Whereas, to take account of seasonal price variations, the part of the marketing year under consideration should be divided into a number of periods, a separate reference price being fixed for each such period ;

Whereas, for the purpose of calculating entry prices, the varieties imported from third countries of which the entry prices are respectively to be compared with the prices fixed for Groups I, II and III must be specified ;

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 291, 28. 12. 1972, p. 147.
(3) OJ No L 144, 2. 7. 1970, p. 10.
(4) OJ No L 73, 27. 3. 1972, p. 5.

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 prices for apples other than cider apples (subheading ex 08.06 A II of the Common Customs Tariff), expressed in units of account per 100 kg net, shall in respect of variety Groups I, II and III, for Class I products of all sizes, packed, be as follows :

	Group I	*Group II*	*Group III*
February	15·8	11·6	7·8
March	16·0	13·0	8·4
April	17·7	14·5	8·3
May	18·4		9·0
June	19·6	—	—

2. The variety groups referred to in paragraph 1 consists of the following varieties :

Group I :

Golden Delicious, Cox's orange pippin, Stark Delicious, rouges américaines, Ingrid Marie, Reinette du Canada, Belle de Boskoop, and mutations of these varieties ;

Group II :

Jonathan, Imperatore (Morgenduft), and mutations of these varieties ;

Group III :

Abbondanza (Belfort), Horneburger, Bramley's Seedling, and mutations of these varieties.

3. The entry prices of imported products shall be compared :

(a) with the prices fixed for Group I, in the case of imported products of the following varieties : Golden Delicious, Red Delicious, Richared, Stark Delicious, Starking, Starkrimson, Transparent jaune (Klarapfel), James Grieve, Belle de Boskoop, Stayman Winesap, Staymanred, Black Winesap, Granny Smith, Dunn's Seedling, King Cole, Cleopatra, Democrat, Yellow Newton, Crofton, Ingrid Marie, Sturmer, Laxton's superb, Scarlet pearmain, White winter pearmain, Geeveston Fanny, Tydeman's early, Worcester, Beroni, Stark earliest, Winston, Reinette du Canada, Berlepsch, Annurca, Lodi, Gravensteiner, Miller's Seedling, Worcester pearmain, various varieties of Cox's other than Cox's pomona, and mutations of the above varieties ;

(b) with the prices fixed for Group II, in the case of imported products of varieties other than those listed under (a) and (c) ;

(c) with the prices fixed for Group III, in the case of imported products of the following varieties : Abbondanza (Belfort), Rambour d'hiver, Brettacher, Horneburger, Krügers Dickstiel, Kirchenwerder, Finkenwerder, Winter Banana, Limoncella, Commercio, Reinette clochard, Ontario, Reinette du Mans, Lemoenapfel, Bramley's Seedling (Triomphe de Kiel), Pella, Cox's pomona.

Any amendments to the preceding subparagraph shall be made in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 in the light of changes in the varietal compositions of imports from third countries.

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 June 1973.

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

Done at Brussels, 15 February 1973.

For the Commission

The President

François-Xavier ORTOLI