# REGULATION (EEC) No 749/74 OF THE COMMISSION

## of 29 March 1974

## fixing the reference prices for tomatoes for the 1974 marketing year

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, under Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed each year, before the beginning of the marketing year;

Whereas tomatoes are produced in such quantities in the Community that a reference price should be fixed for them;

Whereas tomatoes harvested during a given crop year are marketed from January to December; whereas the quantities harvested from January to March and during the last 10 days of December are so small that there is no need to fix reference prices for the whole year; whereas reference prices should be fixed only for the period from April up to and including 20 December;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, reference prices are to be equal to the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from the production areas to Community marketing centres; whereas the trend of average basic prices and buying-in prices should also be taken into account;

Whereas to take seasonal variations into account, the marketing year should be divided into several periods and a reference price fixed for each of those periods;

Whereas the producer prices are to correspond to the averages of the prices recorded during the three years prior to the date of fixing of the reference price for a home-grown product with defined commercial characteristics on the representative market or markets situated in the production areas where prices are lowest, for the products or varieties which represent a considerable proportion of production marketed throughout the year or during part of it, and which satisfy specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on the market should be disregarded;

Whereas up to 10 July Community-produced tomatoes are mainly cultivated under glass; whereas it is, therefore, products of this type that reference prices relate to during the first part of the marketing year; whereas tomatoes imported from certain third countries during the same period are cultivated in the open; whereas, although these tomatoes may be classified in Class 1, their quality and price are not comparable with those of products grown under glass; whereas the prices of tomatoes not produced under glass should, therefore, be adjusted by a conversion factor;

Whereas, from October to December inclusive, tomatoes imported from certain third countries are cultivated under glass; whereas a conversion factor should also be applied to the prices of these tomatoes to make them comparable with the reference prices calculated during this period on the basis of prices of Community products cultivated in the open;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 1974 marketing year the reference prices for tomatoes (subheading No 07.01 M of the Common Customs Tariff), expressed in units of account per 100 kg net of packed products of Class I of all sizes, shall be as follows:

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|---|---|
| — April | 70·4 |
| — May | 52·8 |
| — 1 June to 10 July | 39·7 |
| — 11 July to 31 August | 14·4 |
| — September | 15·7 |
| — 1 October to 20 December | 17·9 |

[1] OJ No L 118, 20. 5. 1972, p. 1.
[2] OJ No L 291, 28. 12. 1972, p. 147.

2. For the purpose of calculating the entry price :

(a) the prices for tomatoes not produced under glass, imported from third countries, shall, after deduction of customs duties, be multiplied by the following conversion factors :
   — for April : 2·50 ;
   — for May : 2·00 ;
   — from 1 June to 10 July : 1·80 ;

(b) the prices for tomatoes grown under glass and imported from third countries shall, after deduction of customs duties, be multiplied by the coefficient 0·55 from 1 October to 20 December.

*Article 2*

This Regulation shall enter into force on the day following 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, 29 March 1974.

*For the Commission*

*The President*

François-Xavier ORTOLI