COMMISSION REGULATION (EEC) No 369/77

of 23 February 1977

introducing a countervailing charge on lemons originating in Cyprus

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 of 18 May 1972 on the common organization of the market in fruit and vegetables (1), as last amended by Regulation (EEC) No 795/76 (2), and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases ; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least 0·5 unit of account below the reference price ; whereas that charge is equal to the difference between the reference price and the last available entry price by at least 0·5 unit of account below the reference price ;

Whereas Commission Regulation (EEC) No 1227/76 of 25 May 1976 fixing for the 1976/77 marketing year reference prices for lemons (3), fixed for the products of quality Class I, the reference price at 19·71 units of account per 100 kilograms net for the month of February 1977 ;

Whereas the entry price for a given exporting country is equal to the lowest on the average of 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 referred to in Article 24 (3) of Regulation (EEC) No 1035/72 ; whereas the meaning of representative price 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 2118/74 (4), as amended by Regulation (EEC) No 385/75 (5) ;

Whereas for Cyprus lemons, the entry prices calculated in this way have for six consecutive market days been alternatively above and below the reference price ; whereas three of these entry prices are more than 0·5 unit of account below the reference price ; whereas a countervailing charge should therefore be introduced for lemons originating in Cyprus ;

Whereas in accordance with the provisions of Article 26 (2) of Regulation (EEC) No 1035/72 that charge is applied in principle for six days ;

Whereas if the system is to operate normally it should be calculated on the entry price on the following basis :

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2·25 % a rate of exchange based on their effective parity,

— for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph,

HAS ADOPTED THIS REGULATION :

Article 1

A countervailing charge of 3·05 units of account per 100 kilograms net is applied to lemons (subheading ex 08.02 C of the Common Customs Tariff) originating in Cyprus.

Article 2

This Regulation shall enter into force on 25 February 1977. Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 2 March 1977.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 93, 8. 4. 1976, p. 6.
(3) OJ No L 137, 26. 5. 1976, p. 23.
(4) OJ No L 220, 10. 8. 1974, p. 20.
(5) OJ No L 44, 18. 2. 1975, p. 8.

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

Done at Brussels, 23 February 1977.

For the Commission

Finn GUNDELACH

Vice-President