COMMISSION REGULATION (EEC) No 1009/78

of 18 May 1978

introducing a countervailing charge on tomatoes originating in 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 of 18 May 1972 on the common organization of the market in fruit and vegetables (1), as last amended by Regulation (EEC) No 1034/77 (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 Commission Regulation (EEC) No 824/78 of 25 April 1978 fixing for the month of May 1978 the reference price for tomatoes (3) fixed the reference price for Class I products at 77·53 units of account per 100 kilograms;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74 (4), as last amended by Regulation (EEC) No 668/78 (5), the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficients fixed in the first indent of Article 1 (2) of Regulation (EEC) No 824/78;

Whereas for Romanian tomatoes the entry prices calculated in this way have remained at least 0·50 unit of account below the reference price for two consecutive market days; whereas a countervailing charge has therefore to be introduced for these tomatoes;

Whereas Commission Regulation (EEC) No 986/78 of 16 May 1978 (6) has introduced a countervailing charge on tomatoes originating in Bulgaria;

Whereas the entry prices available at present for these two exporting countries allow the application of one charge, equal to the difference between the reference price and the arithmetic mean of the average entry prices established for each exporting country; whereas Regulation (EEC) No 986/78 should therefore be repealed;

Whereas, if the system is to operate normally, it should be calculated for 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

1. A countervailing charge of 26·48 units of account per 100 kilograms net is applied to tomatoes falling within subheading 07.01 M of the Common Customs Tariff and originating in Bulgaria and Romania.

2. Regulation (EEC) No 986/78 is hereby repealed.

Article 2

This Regulation shall enter into force on 20 May 1978.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 125, 19. 5. 1977, p. 1.
(3) OJ No L 114, 26. 4. 1978, p. 7.
(4) OJ No L 220, 10. 8. 1974, p. 20.
(5) OJ No L 90, 5. 4. 1978, p. 5.
(6) OJ No L 128, 17. 5. 1978, p. 22.

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

Done at Brussels, 18 May 1978.

For the Commission

Finn GUNDELACH

Vice-President