COMMISSION REGULATION (EEC) No 1180/78

of 31 May 1978

fixing until the end of the 1978 marketing year the reference price for tomatoes

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 1154/78 (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 at the beginning of the marketing year;

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

Whereas tomatoes harvested during a given crop year are marketed from January to December; whereas for the present marketing year the reference prices have respectively been fixed until 31 May by Regulations (EEC) No 585/78 (3), and (EEC) No 824/78 (4); whereas the information now available allows these prices to be fixed up to the end of the marketing year; whereas the low quantities which are harvested during the last 10 days of December represent only a small percentage of the tonnage which is marketed throughout the marketing year; whereas that period should not therefore be taken into account;

Whereas, pursuant to Article 23 (2) of Regulation (EEC) No 1035/72, the reference prices are fixed on the basis of the arithmetic mean of producer prices in each Member State plus an amount representing the costs of transporting Community products from production areas to Community marketing centres; whereas the trend of production costs in the fruit and vegetables sector must also be taken into account;

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

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying 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 that market are to be disregarded;

Whereas, up to 10 July, Community-produced tomatoes are grown mainly under glass; whereas the reference prices for this period of the marketing year must therefore be fixed for a product of that type; whereas tomatoes imported from certain third countries during the same period will have been grown in the open; whereas, although such tomatoes may be classed in Class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for tomatoes not grown 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 which are during this period calculated 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 1978 marketing year, the reference price for tomatoes (subheading 07.01 M of the Common Customs Tariff), expressed in units of account per 100

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 144, 31. 5. 1978, p. 5.
(3) OJ No L 79, 23. 3. 1978, p. 28.
(4) OJ No L 114, 26. 4. 1978, p. 7.

kilograms net of packed products of Class I, of all sizes, shall be as follows :

— 1 June to 10 July :	58·19
— 11 July to 31 August :	19·72
— September :	21·51
— 1 October to 20 December :	24·54

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 a conversion factor of 1·70 from 1 June to 10 July ;

(b) the price for tomatoes produced under glass and imported from third countries shall, after deduction of customs duties, be multiplied by a conversion factor of 0·60 from 1 October to 20 December.

Article 2

This Regulation shall enter into force on 1 June 1978.

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

Done at Brussels, 31 May 1978.

For the Commission

Finn GUNDELACH

Vice-President