COMMISSION REGULATION (EEC) No 162/78

of 27 January 1978

introducing a countervailing charge on certain varieties of sweet oranges originating in Algeria

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 this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 2591/77 of 24 November 1977 fixing the reference prices for sweet oranges for the 1977/78 marketing year (3) fixed the reference price for Class I products of Group II at 16·28 units of account per 100 kilograms net;

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 price 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 amended by Regulation (EEC) No 385/75 (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 Article 1 (4) third indent of Regulation (EEC) No 2591/77;

Whereas, for oranges from Algeria of the varieties listed in Article 1 (3) (c) of Regulation (EEC) No 2591/77, the entry price calculated in this way has remained at least 0·50 unit of account below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for certain varieties of sweet oranges originating in Algeria;

Whereas if the system is to operate normally the entry prices should be calculated:

— 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 1·82 units of account per 100 kilograms net is applied to fresh sweet oranges (subheading 08.02 A I of the Common Customs Tariff) originating in Algeria other than the varieties Moro, Tarocco, Biondo comune (Blanca comuna, Blonde commune), Grano de Oro (Imperial, Sucrena), Baladi, Pera, Macetera, Pineapple, Blood oval (Doblefina, Double fine), Portuguese sanguine, Sanguina redonda (Entrefina), Surinam varieties and the ordinary Sanguina variety, with the exception of Navel sanguines (improved Double fine, Washington sanguina, Sanguina grande) and Maltese sanguines.

Article 2

This Regulation shall enter into force on 31 January 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 301, 25. 11. 1977, p. 18.
(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, 27 January 1978.

For the Commission

Finn GUNDELACH

Vice-President