COMMISSION REGULATION (EEC) No 868/78
of 27 April 1978
introducing a countervailing charge on tomatoes originating in Bulgaria

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 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 585/78 of 22 March 1978 fixing the reference price for tomatoes for the month of April 1978 (3) fixed the reference price for products of Class I for the month of April 1978 at 103·07 units of account per 100 kilograms net ;

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, 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 Article 1 (2) of Regulation (EEC) No 585/78 ;

Whereas for Bulgarian tomatoes the entry prices calculated in this way have for seven 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 tomatoes originating in Bulgaria ;

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 13·59 units of account per 100 kilograms net is applied to tomatoes (subheading ex 07.01 M of the Common Customs Tariff) originating in Bulgaria.

Article 2

This Regulation shall enter into force on 29 April 1978. Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 4 M '978.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 125, 19. 5. 1977, p. 1.
(3) OJ No L 79, 23. 3. 1978, p. 28.
(4) OJ No L 220, 10. 8. 1974, p. 20.
(5) OJ No L 90, 5. 4. 1978, p. 5.

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

Done at Brussels, 27 April 1978.

For the Commission

Finn GUNDELACH

Vice-President