COMMISSION REGULATION (EEC) No 937/78

of 3 May 1978

adopting protective measures with regard to the importation of aubergines originating in Spain

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 Article 29 (2) thereof,

Whereas on 29 April 1978 France requested the Commission to take protective action over importations of aubergines originating in Spain for sale on the French market; whereas on 2 May 1978 this request was supplemented by additional information;

Whereas traditionally during the months of April and May more than two-thirds of the French metropolitan market is supplied from the West Indies;

Whereas in the month of April this year there was a marked decline in consignments of West Indian aubergines to the metropolitan market with only half of the normal quantities arriving; whereas West Indian aubergines have fetched particularly low prices which led to consignments being suspended for two weeks;

Whereas this situation is due to the very marked increase in imports of aubergines originating in Spain, the only other significant supplier of the French market during this period, these imports having more than quintupled by comparison with previous years and having been sold at prices which have led to a general decline in French market prices;

Whereas in view of the trend of the crop in Spain it is to be feared that French market prices will decline still further and the difficulty of disposing of West Indian aubergines will increase;

Whereas the brief assessment of the market situation set out above leads to the conclusion that the French market is experiencing serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas in these circumstances protective measures should be taken;

Whereas for this purpose imports of aubergines into France should be suspended for as long as it strictly necessary to remove the afore-said disturbances;

Whereas it appears that the markets in other regions of the Community have until now not experienced any disturbances by reason of these imports; whereas the protective measure should therefore be limited in its application to imports into France,

HAS ADOPTED THIS REGULATION:

Article 1

The entry into free circulation in France of fresh or chilled aubergines (subheading ex 07.01 T of the Common Customs Tariff) originating in Spain is hereby suspended from 8 to 31 May 1978.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 3 May 1978.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 125, 19. 5. 1977, p. 1.