COMMISSION DECISION

of 20 December 1977

on aid from the Guidance Section of the EAGGF towards the expenditure of the Federal Republic of Germany on refunds on exports to non-member countries and intervention on the internal market in respect of the 1970 accounting period

(Only the German text is authentic)

(78/230/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17/64/EEC of 5 February 1964 on the conditions for granting aid from the European Agricultural Guidance and Guarantee Fund (1), as last amended by Regulation (EEC) No 3171/75 (2), and in particular Article 10 (5) (b) thereof,

Having regard to the application for reimbursement from the Federal Republic of Germany,

After consultation with the Committee of the EAGGF,

Whereas Article 10 (5) (b) of Regulation No 17/64/EEC provides that the Commission is to decide before 31 December 1974 on aid from the Fund on the basis of the applications for reimbursement of expenditure on refunds on exports to non-member countries and intervention on the internal market submitted by the Member States in respect of the 1970 accounting period; whereas, however, as a result of the considerable delays in submitting and verifying these applications it has not been possible to take a decision on this aid before December 1977;

Whereas Article 7 (1) of Council Regulation No 130/66/EEC of 26 July 1966 on the financing of the common agricultural policy (3) provides that the contribution from the Fund is to cover all the expenditure eligible under Article 3 (1) (a), (b) and (c) of Council Regulation No 25 of 4 April 1962 on the financing of the common agricultural policy (4); whereas the inspections carried out show that a part of the expenditure declared amounting to DM 6 753 499·80 (1 845 218·52 units of account) does not satisfy the above requirements as to eligibility and therefore cannot be reimbursed for this period; whereas the Member State has been fully informed of these deductions and has been able to give its views thereon; whereas, however, appeal proceedings in respect of the refusal, for identical reasons, of a part of the expenditure declared for the 1971 financial year are still pending before the Court of Justice; whereas, in consequence, the abovementioned amount will be corrected, if necessary, after the judgment of the Court;

Whereas the Commission, in its Decisions of 28 December 1970 (5) and 30 June 1971 (6), fixed at 494 265 266 units of account the total of the advances to be set against aid from the Fund towards the expenditure of the Federal Republic of Germany reimbursable by the Guarantee Section in respect of the 1970 accounting period; whereas this should be taken into account when establishing the amount to be reimbursed by way of such aid,

HAS ADOPTED THIS DECISION:

Article 1

1. Aid from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, towards the eligible expenditure of the Federal Republic of Germany on refunds on exports to non-member countries and intervention on the internal market in respect of the 1970 accounting period is fixed at a total of DM 2 334 635 047·60 (637 878 428·30 units of account).

2. The sum to be reimbursed by the Fund as aid, after deduction of the advances, totalling 494 265 266 units

(1) OJ No 34, 27. 2. 1964, p. 586/64.
(2) OJ No L 315, 5. 12. 1975, p. 1.
(3) OJ No 165, 21. 9. 1966, p. 2965/66.
(4) OJ No 30, 20. 4. 1962, p. 991/62.
(5) OJ No L 14, 18. 1. 1971.
(6) OJ No L 161, 19. 7. 1971.

of account, approved on 28 December 1970 and 30 June 1971 is fixed at 143 613 162·30 units of account.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 December 1977.

For the Commission

Finn GUNDELACH

Vice-President