COMMISSION DECISION

of 8 February 1984

on the clearance of the accounts presented by the French Republic in respect of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure for 1979

(Only the French text is authentic)

(84/199/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (1), as last amended by Regulation (EEC) No 3509/80 (2), and in particular Article 5 (2) thereof,

After consulting the Fund Committee,

Whereas, under Article 5 (2) (b) of Regulation (EEC) No 729/70, the Commission, on the basis of the annual accounts presented by the Member States, clears the accounts of the departments and agencies referred to in Article 4 of that Regulation;

Whereas France has transmitted to the Commission the documents required to clear the accounts for 1979; whereas the latter has carried out on-the-spot inspections as provided for in Article 9 (2) of Regulation (EEC) No 729/70;

Whereas Article 8 of Commission Regulation (EEC) No 1723/72 of 26 July 1972 on the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund, Guarantee Section (3), provides that the Decision to clear the accounts must include the determination of the amount of expenditure incurred in each Member State during the financial year in question recognized as chargeable to the Fund, Guarantee Section, and also the determination of the amount of the Community's financial resources still available in each Member State;

Whereas under Articles 2 and 3 of Regulation (EEC) No 729/70, only refunds on exports to non-member countries and intervention intended to stabilize agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organization of agricultural markets, may be financed; whereas the inspections carried out show that part of the expenditure declared, totalling FF 100 106 370,72, does not satisfy the requirements of these provisions and must therefore be disallowed; whereas the Member State has been fully informed of this deduction and has had the opportunity to state its views thereon;

Whereas the disallowed expenditure includes an amount of FF 8 875 447,03 for aid to the private storage of table wines and an amount of FF 367 922,26 for aid to the private storage of concentrated grape musts, an amount of FF 609,12 for aid to supplementary storage of table wines and an amount of FF 51 764 638,33 for aids to the obligatory distillation of the by-products of wine-making; whereas information known to the Commission at present does not, however, exclude the possibility that this expenditure or part of it may in fact qualify; whereas in order not to delay the present Decision, it is appropriate to provide that this expenditure may still be recognized when the 1980 accounts are cleared on condition that the Member State supplies the necessary evidence justifying Community financing;

Whereas under Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds (4), as last amended by Regulation (EEC) No 1365/80 (5), 60 % of expenditure on those measures is borne by the Guarantee Section of the EAGGF and 40 % by the Guidance Section; whereas the said measures rank as intervention within the meaning of Article 3 of Regulation (EEC) No 729/70 and constitute a 'common measure' within the meaning of Article 6 (1) of that Regulation; whereas the Guidance Section expenditure items must therefore be included

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 367, 31. 12. 1980, p. 87.
(3) OJ No L 186, 16. 8. 1972, p. 1.
(4) OJ No L 131, 26. 5. 1977, p. 1.
(5) OJ No L 140, 5. 6. 1980, p. 18.

when the accounts for guarantee expenditure financed by the EAGGF are cleared;

Whereas expenditure made under Regulation (EEC) No 1078/77 during 1979 is recognized subject to reservation, since a final assessment as to its compatibility with Community law has not yet been possible; whereas a final decision concerning this expenditure will be taken when the 1980 accounts are cleared;

Whereas this Decision cannot affect the results of enquiries being carried out into the fruit and vegetables sector,

HAS ADOPTED THIS DECISION:

Article 1

1. The expenditure by the French Republic recognized as chargeable to the European Agricultural Guidance and Guarantee Fund, Guarantee Section, in respect of the 1979 financial year totals, in accordance with Annex I, FF 14 456 132 294,59.

2. The expenditure recognized as chargeable to the EAGGF pursuant to Regulation (EEC) No 1078/77 totals, in accordance with Annex II, FF 149 014 911,33

Article 2

The financial resources available at the end of 1979 totals, in accordance with Annex I, FF 232 313 190,29 and, in accordance with Annex II, a negative balance of FF 5 395 835,81.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 8 February 1984.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX I

Clearance of the accounts concerning the expenditure financed by the EAGGF, Guarantee Section, for 1979

			(FF)
1.	Funds available after clearance of 1978 accounts		758 745 484,88
2.	Advances received for 1979		13 929 700 000,00
3.	Total funds available to cover expenditure for 1979		14 688 445 484,88
4.	Expenditure recognized for 1979 (1):		
	(a) Expenditure declared	14 556 238 665,31	
	(b) Expenditure disallowed	100 106 370,72	
	— of which, definitive decision deferred to 1980	61 008 616,74	
	(c) Expenditure recognized		14 456 132 294,59
5.	Funds available after clearance of 1979 accounts		232 313 190,29

(1) Excluding expenditure on measures under Regulation (EEC) No 1078/77.

ANNEX II

Clearance of the accounts concerning the expenditure financed by the EAGGF under Regulation (EEC) No 1078/77 for 1979

			(FF)
1.	Funds available after clearance of 1978 accounts		31 419 075,52
2.	Advances received for 1979		112 200 000,00
3.	Total funds available to cover 1979 expenditure		143 619 075,52
4.	Expenditure incurred in 1979 recognized as chargeable to the EAGGF		149 014 911,33
	(a) Guarantee Section	89 408 946,80	
	(b) Guidance Section	59 605 964,53	
5.	Funds available after clearance of 1979 accounts		– 5 395 835,81