COMMISSION DECISION

of 28 August 1985

on the clearance of the accounts presented by the Federal Republic of Germany in respect of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure for 1980

(Only the German text is authentic)

(85/452/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 870/85 [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 authorities and bodies referred to in Article 4 of that Regulation;

Whereas Germany has transmitted to the Commission the documents required to clear the accounts for 1980; 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 a part of the expenditure declared, amounting to DM 1 022 005,15 does satisfy the requirements of these provisions and therefore can be financed; whereas the Member State has been fully informed of this correction and has been able to give its views thereon;

Whereas the Decisions concerning the clearance of accounts for 1978 and 1979 excluded the financing of the following amounts, DM 1 153 180,45 and DM 384 991,41 in the wine sector, on condition that the expenditure or a part of it may be recognized in the clearance of accounts 1980, provided the Member State furnishes the evidence necessary for Community financing. In fact, this evidence has been provided and consequently an amount of DM 1 479 686,21 may be taken into consideration;

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 1300/84 [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 count 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 it is therefore necessary to include Guidance Section expenditure when clearing the accounts in respect of expenditure financed by the EAGGF;

Whereas the present Decision does not prejudge the financial consequences which may be drawn in any subsequent clearance of accounts procedure for national aids in accordance with Article 93 of the Treaty or infringement procedures under Article 169 of the Treaty currently in progress or concluded after the date of 31 March 1985 or as a result of infringements in 1980 or national aids incompatible with the Treaty paid in 1980 having affected the expenditure charged to the EAGGF in any financial year subsequent to that of 1980;

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 95, 2. 4. 1985, p. 1.
(3) OJ No L 186, 16. 8. 1972, p. 1.
(4) OJ No L 131, 26. 5. 1977, p. 1.
(5) OJ No L 125, 12. 5. 1984, p. 3.

Whereas this Decision does not prejudice any financial consequences which may be determined by the Commission in the course of a subsequent clearance of accounts relating to current investigations, financial losses resulting from irregularities in the meaning of Article 8 of Regulation (EEC) No 729/70 or judgments by the Court of Justice on cases currently under consideration and concerning matters which are also the subject of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The expenditure by the Federal Republic of Germany recognized as chargeable to the European Agricultural Guidance and Guarantee Fund, Guarantee Section, in respect of the 1980 financial year amounts, in accordance with Annex I, to DM 6 022 907 599,74.

2. The expenditure recognized as chargeable to the EAGGF, pursuant to Regulation (EEC) No 1078/77, amounts, in accordance with Annex II, to DM 218 366 430,84.

Article 2

The financial resources available at the end of 1980 amount, in accordance with Annex I, to DM 139 357 564,68 and, in accordance with Annex II, to DM 1 061 185,39.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 August 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Clearance of the accounts concerning the expenditure financed by the EAGGF, Guarantee Section, for 1980 (1)

		(DM)
1. Funds available after clearance of the accounts for 1979		– 118 734 835,58
2. Advances received for 1980		6 281 000 000,00
3. Total funds available to cover expenditure for 1980		6 162 265 164,42
4. Expenditure recognized for 1980:		
(a) Expenditure declared	6 020 405 908,38	
(b) Supplementary expenditure recognized:	+ 1 022 005,15	
— of which definitive decision deferred to 1982	—	
(c) Elimination of reserves for previous years	+ 1 479 686,21	
(d) Expenditure recognized		6 022 907 599,74
5. Funds available after clearance of accounts for the 1980		139 357 564,68

(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 1980

		(DM)
1. Funds available after clearance of the accounts for 1979		38 027 616,23
2. Advances received for 1980		181 400 000,00
3. Total funds to cover expenditure for 1980		219 427 616,23
4. Expenditure incurred in 1980 chargeable to the EAGGF of which:		218 366 430,84
(a) Guarantee Section	131 019 858,51	
(b) Guidance Section	87 346 572,33	
5. Funds available after clearance of the accounts for 1980		1 061 185,39