COMMISSION DECISION

of 28 August 1985

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

(Only the Italian text is authentic)

(85/459/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 Italy 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 Lit 35 988 034 293 does not satisfy the requirements of these provisions and therefore cannot be financed; whereas the Member State has been fully informed of this correction and has been able to give its views thereon;

Whereas the non-recognized expenditure includes an amount of Lit 3 435 838 380 as aid for the transformation of tomatoes in Sicily and an amount of Lit 14 513 871 670 as export refunds for Sicilian wine that may, in whole or in part be financed by the EAGGF providing Italy furnishes the proof necessary for Community financing before 1 November 1985;

Whereas the Decisions concerning the clearance of accounts for 1978 and 1979 excluded the financing of the following amounts, Lit 5 255 006 545 and Lit 16 265 509 950, 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; whereas on the basis of evidence provided for the milk sector, an amount of Lit 7 614 052 051 may be recognized. As regards the expenditure in the wine sector, the reserve is extended to the clearance of accounts for 1982 in order to be able to conclude this question in the light of the Court of Justice decision;

Whereas the present Decision does not prejudge the financial consequences which may be drawn in any subsequent clearance of accounts 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;

Whereas the present Decision does not prejudge the financial consequences which may be drawn in any 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,

(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.

HAS ADOPTED THIS DECISION:

Article 1

1. The expenditure by Italy recognized as chargeable to the European Agricultural Guidance and Guarantee Fund, Guarantee Section, in respect of the 1980 financial year amounts, in accordance with the Annex, to Lit 1 990 047 732 013.

Article 2

The financial resources available at the end of 1980 amount, in accordance with the Annex, to Lit 252 638 741 357.

Article 3

This Decision is addressed to the Italian Republic.

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

		(Lit)
1. Funds available after clearance of the accounts for 1979		170 686 473 370
2. Advances received for 1980		2 072 000 000 000
3. Total funds available to cover expenditure for 1980		2 242 686 473 370
4. Expenditure recognized for 1980:		
(a) Expenditure declared	2 018 421 714 255	
(b) Expenditure not recognized:	– 35 988 034 293	
— for which the definitive decision will be taken on the basis of additional evidence to be sent by Italy before 1 November 1985	(– 17 949 710 050)	
(c) Elimination of reserves for previous years	+ 7 614 052 051	
(d) Expenditure recognized		1 990 047 732 013
5. Funds available after clearance of accounts for 1980		252 638 741 357