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 1981

(Only the Italian text is authentic)

(85/460/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 1981; 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 43 138 824 099 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 10 843 937 285 for export refunds for Sicilian wine and Lit 7 246 901 137 for the distillation of wine in 'Puglia' 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 Commission Decisions 80/1151/EEC, 80/1152/EEC and 80/1162/EEC provided that certain quantities of soft wheat, olive oil and bovine meat from intervention stocks were to be distributed free as emergency aid for victims of earth tremors; whereas these products left intervention stores from January to April 1981 and were imputed to a special budget post, it is necessary to take account of this situation in the present 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 1981 or national aids incompatible with the Treaty paid in 1981 having affected the expenditure charged to the EAGGF in any financial year subsequent to that of 1981;

Whereas the present Decision does not prejudice the financial consequences which may be draw in ony 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

The expenditure by Italy recognized as chargeable to the European Agricultural Guidance and Guarantee Fund, Guarantee Section, in respect of the 1981 financial year amounts, in accordance with the Annex, to Lit 2 541 292 723 886.

Article 2

The financial resources available at the end of 1981 amount, in accordance with the Annex, to Lit 245 276 161 499.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 28 August 1985.

For the Commission
Frans ANDRIESSEN
Vice-President

ANNEX

Clearance of the accounts concerning the expenditure financed by the EAGGF, Guarantee Section, for 1981

		(Lit)
1. Funds available after clearance of the accounts for 1980		252 638 741 357
2. Advances received for 1981 (Lit 2 545 000 000 000 – Lit 11 069 855 972 at the charge of budget Article 590)		2 533 930 144 028
3. Total funds available to cover expenditure for 1981		2 786 568 885 385
4. Expenditure recognized for 1981:		
(a) Expenditure declared	2 584 431 547 985	
(b) Expenditure not recognized:	– 43 138 824 099	
— for which the definitive decision will be taken on the basis of additional evidence to be sent by Italy before 1 November 1985	(– 18 090 838 422)	
(c) Elimination of reserves for previous years	—	
(d) Expenditure recognized		2 541 292 723 886
5. Funds available after clearance of accounts for 1981		245 276 161 499