COMMISSION DECISION

of 28 August 1985

on the clearance of the accounts presented by the Grand Duchy of Luxembourg in respect of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure for 1980 and amending Decisions 83/38/EEC and 83/49/EEC

(Only the French text is authentic)

(85/461/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 Luxembourg 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 the Decision concerning the clearance of accounts for 1978 excluded the financing of Lfrs 102 402 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. This evidence was provided in part for an amount of Lfrs 34 134 and this may subseqently be financed;

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;

Whereas the present Decision does not prejudice the financial consequences which may be drawn in any subsequent clearance of accounts relating to current investigation, financial losses resulting from irregularities in the meaning of Article 8 of Regulation (EEC) No 729/70 or judgements by the Court of Justice on cases currently under consideration and concerning matters which are also the Subject of this Decision;

Whereas, in Commission Decisions 83/38/EEC and 83/49/EEC of 14 January 1983, a fraction of the declared

(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.

expenditure in the wine sector corresponding to the aid paid for the private storage af table wine was not financed on the grounds that these amounts were not granted in conformity with Community rules foreseen by the common organization of the market in the wine sector;

Whereas, in the judgment given on 12 July 1984 on case 49/83, the Court of Justice annulled Decisions 83/38/EEC and 83/49/EEC in as far as they refused to place at the charge of the EAGGF, Guarantee Section, a third of the expenditure effected by the Grand Duchy of Luxembourg, for the financial years 1976 and 1977 as aid for the private storage of table wines;

Whereas, under the terms of Article 176 of the Treaty, the Commission is bound to take the necessary measures to comply with the judgement ot the Court of Justice; that the EAGGF, Guarantee Section, therefore, takes into charge the expenditure effected by the Grand Duchy of Luxembourg during the financial years 1976 and 1977 respectively Lfrs 3 218 844 and Lfrs 1 716 600, totalling Lfrs 4 935 444 (positive correction),

HAS ADOPTED THIS DECISION:

Article 1

1. The expenditure by Luxembourg 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 Lfrs 466 326 777.

2. The expenditure recognized as chargeable to the EAGGF pursuant to Regulation (EEC) No 1078/77 amounts, in accordance with Annex II, to Lfrs 12 835 383.

Article 2

The financial resources available at the end of 1980 amount, in accordance with Annex I, to Lfrs 9 783 466 and, in accordance with Annex II, to Lfrs 3 443 378.

Article 3

This Decision is addressed to the Grand Duchy of Luxembourg.

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)

		(Lfrs)
1. Funds available after clearance of the accounts for 1979		11 110 243
2. Advances received for 1980		465 000 000
3. Total funds available to cover expenditure for 1980		476 110 243
4. Expenditure recognized for 1980:		
(a) Expenditure declared	461 357 199	
(b) Expenditure not recognized:	—	
— of which definitive decision deferred to 1982	—	
(c) Elimination of reserves for previous years	+ 34 134	
(d) Expenditure recognized following modification of Decisions 83/38/EEC and 83/49/EEC	+4 935 444	
(e) Expenditure recognized		466 326 777
5. Funds available after clearance of accounts for 1980		9 783 466

(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

		(Lfrs)
1. Funds available after clearance of the accounts for 1979		– 2 021 239
2. Advances received for 1980		18 300 000
3. Total to cover expenditure in 1980		16 278 761
4. Expenditure incurred in 1980 chargeable to the EAGGF of which:		12 835 383
(a) Guarantee Section	7 701 229	
(b) Guidance Section	5 134 154	
5. Funds available after clearance of the accounts for 1980		3 443 378