COMMISSION DECISION

of 20 December 2007

on the clearance of the accounts of certain paying agencies in Germany, Spain, France, Italy and Luxembourg and concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2004 financial year

(notified under document number C(2007) 6532)

(Only the German, Spanish, French and Italian texts are authentic)

(2008/54/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [1], and in particular Article 7(3) thereof,

After consulting the Fund Committee,

Whereas:

(1) Commission Decision 2005/385/EC [2] cleared, for the 2004 financial year, the accounts of all the paying agencies except for the German paying agency 'Bayern-Umwelt', the Spanish paying agency 'Madrid', the French paying agency 'SDE', the Italian paying agency 'AGEA' and the Luxembourg paying agency 'Ministère de l'Agriculture'.

(2) Following the transmission of new information and after additional checks, the Commission can now take a decision on the integrality, accuracy and veracity of the accounts submitted by the German paying agency 'Bayern-Umwelt', the Spanish paying agency 'Madrid', the French paying agency 'SDE', the Italian paying agency 'AGEA' and the Luxembourg paying agency 'Ministère de l'Agriculture'.

(3) In clearing the accounts of the paying agencies concerned, the Commission must take account of the amounts already withheld from the Member States concerned on the basis of Decision 2005/385/EC.

(4) In accordance with the second subparagraph of Article 7(3) of Regulation (EC) No 1258/1999, this Decision does not prejudice decisions adopted subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the German paying agency 'Bayern-Umwelt', the Spanish paying agency 'Madrid', the French paying agency 'SDE', the Italian paying agency 'AGEA' and the Luxembourg paying agency 'Ministère de l'Agriculture' concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2004 financial year are hereby cleared.

The amounts which are recoverable from, or payable to, each of the Member States concerned pursuant to this Decision are set out in the Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic and the Grand Duchy of Luxembourg.

Done at Brussels, 20 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

[1] OJ L 160, 26.6.1999, p. 103.
[2] OJ L 127, 20.5.2005, p. 22.

ANNEX

Clearance of the Paying Agencies' accounts — Financial year 2004

Amount to be recovered from or paid to the Member State

MS		2004 — Expenditure for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year	Total including reductions and suspensions	Advances paid to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State	Amount recovered from (–) or paid to (+) the Member State under Decision 2005/385/EC	Amount to be recovered from (–) or paid to (+) the Member State under this decision (*)
		cleared	disjoined							
		= expenditure declared in the annual declaration	= total of the expenditure in the monthly declarations							
		a	b	c = a + b	d	e = c + d	f	g = e – f	h	i = g – h
DE	EUR	6 033 994 816,76	0,00	6 033 994 816,76	– 150 191,69	6 033 844 625,07	6 033 635 575,97	209 049,10	209 049,10	0,00
ES	EUR	6 326 401 680,03	0,00	6 326 401 680,03	– 7 926 338,98	6 318 475 341,05	6 319 215 724,26	– 740 383,21	– 668 745,42	– 71 637,79
FR	EUR	9 397 813 553,39	0,00	9 397 813 553,39	– 9 219 078,83	9 388 594 474,56	9 389 117 043,59	– 522 569,03	– 511 509,03	– 11 060,00
IT	EUR	5 031 080 111,47	0,00	5 031 080 111,47	– 48 452 006,98	4 982 628 104,49	5 022 642 872,80	– 40 014 768,31	– 41 461 955,76	1 447 187,45
LU	EUR	37 803 193,51	0,00	37 803 193,51	– 42 350,66	37 760 842,85	37 760 842,85	0,00	0,00	0,00

(*) Applicable exchange rate: Article 7(2) of the Regulation (EC) No 883/2006. Nomenclature 2008: 05070106

1. For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is the total of the annual declaration for the expenditure cleared (col.a).
2. The reductions and suspensions are those taken into account in the advance system, to which are added in particular the corrections for the non respect of payment deadlines established in August, September and October 2004.