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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 571/76

of 15 March 1976

laying down detailed rules for the application of Council Regulation (EEC) No 557/76 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 557/76 of 15 March 1976 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75 [1], and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States [2], as last amended by Regulation (EEC) No 557/76, and in particular Article 6 thereof,

Whereas Regulation (EEC) No 557/76 brought into operation the provisions of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy [3]; whereas Article 4 thereof provides that any person concerned who has obtained an advance fixing for a specific transaction may on application obtain cancellation of the advance fixing and of the relevant document or certificate; whereas, however, Article 5(2) of Regulation (EEC) No 557/76 provides that the second subparagraph of Article 4(1) of Regulation (EEC) No 1134/68 shall apply only if the application of the new representative rates creates a disadvantage; whereas, therefore, the conditions for deciding whether a disadvantage has been created should be laid down taking into account all the factors that could justify such a cancellation;

Whereas the new conversion rates shall only apply from the dates specified in Article 2 of Regulation (EEC) No 557/76; whereas the relevant cancellations should only be permitted when the amounts fixed in advance have actually suffered as a result thereof; whereas, however, a cancellation can only be justified if the alteration affecting the amount fixed in advance was not foreseeable; whereas the right to cancel advance fixing should therefore be limited to those applications which were submitted before the alteration of the relevant amount was foreseeable;

Whereas the prices to be paid by intervention agencies in connection with the system of distillation of by-products of wine-making are fixed for the wine year; whereas the latter year does not coincide with the period of application of the prices fixed for wine; whereas it is however advisable to ensure that the prices to be paid by the intervention agencies for any one harvest should not be subject to changes;

Whereas Article 9(3) of Commission Regulation (EEC) No 1380/75 of 29 May 1975 laying down rules for the application of monetary compensatory amounts [4], as last amended by Regulation (EEC) No 2819/75 [5], provides that no monetary compensatory amount shall be granted or levied in trade between Ireland and the United Kingdom; whereas the fixing of a new representative rate for the Irish pound involves different dates for the application of monetary compensatory amounts in trade between these two countries; whereas the said

(1) OJ No L 67, 15. 3. 1976, p. 1.
(2) OJ No L 106, 12. 5. 1971, p. 1.
(3) OJ No L 188, 1. 8. 1968, p. 1.
(4) OJ No L 139, 30. 5. 1975, p. 37.
(5) OJ No L 280, 31. 10. 1975, p. 33.

Article 9(3) should therefore only apply until those dates;

Whereas Regulation (EEC) No 557/76 provides that there may be an increase of 2·81 % for those amounts fixed in units of account which are not linked to price fixings;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the relevant management committees and the Standing Committee on Agricultural Structures,

HAS ADOPTED THIS REGULATION:

Article 1

1. With respect to products for which a monetary compensatory amount is fixed, cancellation of the advance fixing and the relevant document or certificate as provided in the last subparagraph of Article 4(1) of Regulation (EEC) No 1134/68 may be applied only:

— in the case of import licences issued in Ireland and Italy,

— in the case of export licences issued in Germany, Belgium, Luxembourg and the Netherlands.

2. In respect of transactions to which monetary compensatory amounts are not applicable, 'disadvantage' for the purposes of Article 5 of Regulation (EEC) No 557/76 shall mean an alteration in terms of national currency to all the amounts applicable to a particular transaction, and which leads, after any appropriate offsetting, following application of the new representative rate to:

— the levying of a greater amount, or

— the granting of a lesser amount

than that applicable before entry into force of the said rate.

Article 2

1. The provisions of the last subparagraph of Article 4(1) of Regulation (EEC) No 1134/68 shall apply to the products and Member States concerned with effect from the dates set out in Article 2(2) of Regulation (EEC) No 557/76.

2. The said provisions shall apply only to advance fixing and to the relevant documents or certificates issued before 15 March 1976 within the meaning of Article 9(1) of Commission Regulation (EEC) No 193/75 of 17 January 1975 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [1], as last amended by Regulation (EEC) No 499/76 [2].

Article 3

The following coefficients shall be applied from 1 September until 15 December 1976 to the buying-in prices to be paid by intervention agencies under the system of distillation of by-products of wine-making:

— in France 0·98598,

— in Italy 1·05601.

Article 4

Article 9(3) of Regulation (EEC) No 1380/75 shall cease to apply with effect from:

— 15 March 1976 to products in the milk and milk products sector, the beef and veal sector, the pigmeat sector and to goods covered by Council Regulation (EEC) No 1059/69 of 28 May 1969 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [3], as last amended by Regulation (EEC) No 3058/75 [4];

— 1 July 1976 to products in the sugar sector;

— 1 August 1976 to products in the cereals, eggs and poultrymeat sectors, and to albumin.

Article 5

1. The amounts listed in the Annex shall be amended as specified therein.

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[1] OJ No L 25, 31. 1. 1975, p. 10.
[2] OJ No L 59, 6. 3. 1976, p. 18.
[3] OJ No L 141, 12. 6. 1969, p. 1.
[4] OJ No L 306, 26. 11. 1975, p. 3.

2. As regards the amounts set out in the Annex, Member States shall bring into force all necessary measures to comply with the provisions of paragraph 1 within six month from the date of entry into force of this Regulation.

3. Annex II to Commission Regulation (EEC) No 540/75 of 28 February 1975 laying down additional measures to be taken in agriculture following the fixing, with effect from 3 March 1975, of new representative rates for the currencies of certain Member States [1], as last amended by Regulation (EEC) No 124/76 [2], is hereby repealed.

Article 6

This Regulation shall enter into force on 15 March 1976.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

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[1] OJ No L 57, 3. 3. 1975, p. 29.
[2] OJ No L 13, 22. 1. 1976, p. 13.

ANNEX

A

Amounts specified in the Council Directive of 17 April 1972 on the modernization of agricultural holdings (1)	Existing amount	To be replaced by
Article 8 (2)	40 908 u.a. per MWU	42 060 u.a. per MWU
Article 9 (2)	10 227 u.a. 40 908 u.a. per investment	10 520 u.a. 42 060 u.a. per investment
Article 10 and Article 1 of the Council Directive of 15 May 1973 (2)	46 u.a./ha 31 u.a./ha 15·50 u.a./ha 4 600 u.a./farm 3 100 u.a./farm 1 550 u.a./farm	47 u.a./ha 32 u.a./ha 16 u.a./ha 4 700 u.a./farm 3 200 u.a./farm 1 600 u.a./farm
Article 11 (1)	460 u.a.	473 u.a.
Article 12	2 557 u.a. 7 670 u.a.	2 630 u.a. 7 890 u.a.

(1) OJ No L 96, 23. 4. 1972, p. 1.
(2) OJ No L 153, 9. 6. 1973, p. 24.

B

Amounts specified in the Council Directive of 28 April 1975 on mountain and hill farming and farming in less favoured areas	Existing amount	To be replaced by
Article 7 (1)	15·50 u.a./ABU or ha	16 u.a./ABU or ha
Article 7 (1) (a)	51 u.a./ABU	52·50 u.a./ABU
	51 u.a./ha of area under forage	52·50 u.a./ha of area under forage
Article 7 (1) (b)	51 u.a./ha	52·50 u.a./ha
Article 10 (2)	10 227 u.a./holding	10 520 u.a./holding