I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 937/77

of 29 April 1977

laying down detailed rules for the application of Council Regulation (EEC) No 878/77 on the exchange rates to be applied in agriculture

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture [1], and in particular Article 5 thereof,

Whereas the said Regulation has 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 [2]; whereas Article 4 thereof provides that any person who has obtained 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 4 (2) of Regulation (EEC) No 878/77 provides that the second subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 applies only if the application of the new representative rates is disadvantageous for the party concerned; whereas, therefore, the criteria for deciding whether the rates are disadvantageous should be laid down taking into account all the factors that could justify such a cancellation;

Whereas the new conversion rates will apply only from the dates specified in Articles 2 and 3 of Regulation (EEC) No 878/77; whereas the cancellations in question should be permitted only when the amounts fixed in advance have actually been affected by those rates; whereas, however, a cancellation can be justified only 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 second subparagraph of Article 4 (2) of Regulation (EEC) No 878/77 provides that the disadvantage may be compensated for an appropriate measure and that in such case the provisions of the first subparagraph do not apply;

Whereas in the sugar sector any large-scale cancellation of export licences issued following partial invitations to tender pursuant to Commission Regulation (EEC) No 2101/75 of 11 August 1975 on a standing invitation to tender in order to determine a levy and/or refund on exports of white sugar [3], as last amended by Regulation (EEC) No 2924/76 [4], could be seriously prejudicial to Community management of this sector; whereas, to prevent this happening, it is necessary to withhold the right to cancel while at the same time providing appropriate compensation for this disadvantage, and also to lay down the conditions for granting such compensation;

Whereas the prices to be paid in connection with certain distillation operations are fixed for the wine-growing year; whereas the wine-growing year does not coincide with the period of application of the prices fixed for wine; whereas it is, however, advisable to ensure that the former prices are not subject to changes; whereas use should therefore be

[1] OJ No L 106, 29. 4. 1977, p. 27.
[2] OJ No L 188, 1. 8. 1968, p. 1.
[3] OJ No L 214, 12. 8. 1975, p. 5.
[4] OJ No L 333, 2. 12. 1976, p. 17.

made of the power provided for in Article 2 (2) (d) of Regulation (EEC) No 878/77;

Whereas for the sake of clarity it is desirable to fix the dates on which the new representative rates are to take effect in the fruit and vegetables sector;

Whereas Regulation (EEC) No 878/77 provides that there may be an increase of 2 % in those amounts fixed in units of account which are not linked to the price fixings;

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

HAS ADOPTED THIS REGULATION:

Article 1

For purposes of implementation of Article 4 of Regulation (EEC) No 878/77 the following provisions shall apply:

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

   — in the case of import licences issued in France, Ireland, Italy or the United Kingdom;

   — in the case of export licences issued in the Federal Republic of Germany.

2. Transactions to which monetary compensatory amounts are not applicable shall be regarded as disadvantageous for the purposes of Article 4 of Regulation (EEC) No 878/77 where, following the application of the new representative rate, the alteration in terms of national currency in the sum total, or where appropriate the balance, of the amounts applicable to a particular transaction results in:

   — the levying of a greater amount, or

   — the granting of a lesser amount

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

3. 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 given in Articles 2 (2) and 3 of Regulation (EEC) No 878/77.

4. The said provisions shall apply only to advance fixing documents or certificates issued 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 773/77 [2], before the following dates:

   — 29 March 1977 as regards the French franc, the Italian lira and the Irish pound;

   — 6 April 1977 as regards the Danish krone;

   — 26 April 1977 as regards the other currencies.

Article 2

1. The compensation referred to in the second subparagraph of Article 5 (2) of Regulation (EEC) No 878/77 shall be granted for white sugar in respect of which the customs export formalities are completed on or after 1 July 1977 in pursuance of partial invitations to tender under Regulation (EEC) No 2101/75 and for which an export licence was issued before 26 April 1977.

This compensation shall be fixed for the Member State concerned as shown in Annex I hereto.

2. The right of cancellation provided for in the last subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 shall not apply in respect of the export licences referred to in paragraph 1.

Article 3

As regards:

— the purchase price for wine delivered for distillation under Article 6 (b) (1) of Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine [3], as last

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[1] OJ No L 25, 31. 1. 1975, p. 10.
[2] OJ No L 94, 16. 4. 1977, p. 5.
[3] OJ No L 99, 5. 5. 1970, p. 1.

amended by Regulation (EEC) No 528/77 [1], and the relevant amounts of aid;

— the purchase price to be paid by the intervention agencies under the arrangements for the distillation of the products of wine-making, and the proportion of the expenditure to be borne by the intervention agencies financed by the Guarantee Section of the EAGGF;

— the purchase price for wine delivered for distillation under Article 24 (b) (1) of Regulation (EEC) No 816/70, and the relevant amount of aid;

the representative rates laid down in Article 2 of Regulation (EEC) No 878/77 shall apply with effect from 1 September 1977.

Article 4

In the fruit and vegetables sector, the representative rates laid down in Article 2 of Regulation (EEC) No 878/77 shall apply with effect from:

— 1 April 1977 for cherries in France, Ireland and Italy;

— 1 May 1977 for cherries in Germany and the United Kingdom;

— 1 May 1977 for walnuts, hazelnuts, almonds, cucumbers, tomatoes, cauliflowers, peaches and grapes;

— 1 June 1977 for pears, plums and lemons;

— 1 July 1977 for apples;

— 1 October 1977 for oranges;

— 1 November 1977 for mandarins including tangerines, satsumas, clementines, wilkings and other similar hybrid citrus fruits.

Article 5

1. The amounts listed in Annex II are altered as specified therein.

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

3. The Annex to 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 [2], as last amended by Regulation (EEC) No 735/77 [3], is hereby repealed.

Article 6

This Regulation shall enter into force on 1 May 1977.

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

Done at Brussels, 29 April 1977.

For the Commission

Finn GUNDELACH

Vice-President

[1] OJ No L 69, 16. 3. 1977, p. 1.

[2] OJ No L 68, 15. 3. 1976, p. 1.

[3] OJ No L 89, 7. 4. 1977, p. 24.

ANNEX I

Member State	Compensation granted per 100 kilograms of white sugar
Federal Republic of Germany	2·33 DM

ANNEX II

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)	42 060 u.a. per MWU	42 901 u.a. per MWU
Article 9 (2)	10 520 u.a. 53 333 u.a. per investment	10 730 u.a. 54 400 u.a. per investment
Article 10 and Article 1 of the Council Directive of 15 May 1973 (2)	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	48 u.a./ha 32·5 u.a./ha 16·5 u.a./ha 4 800 u.a./farm 3 250 u.a./farm 1 650 u.a./farm
Article 11 (1)	600 u.a.	612 u.a.
Article 12	2 630 u.a. 7 890 u.a.	2 683 u.a. 8 048 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)	16 u.a./ABU or ha	16·5 u.a./ABU or ha
Article 7 (1) (a)	52·5 u.a./ABU	53·5 u.a./ABU
	52·5 u.a./ha of area under forage	53·5 u.a./ha of area under forage
Article 7 (1) (b)	52·5 u.a./ha	53·5 u.a./ha
Article 10 (2)	10 520 u.a./holding	10 730 u.a./holding