COMMISSION REGULATION (EEC) No 1054/78

of 19 May 1978

laying down detailed rules for the application of Regulation (EEC) No 878/77 on the exchange rates to be applied in agriculture and replacing Regulation (EEC) No 937/77

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], as last amended by Regulation (EEC) No 976/78 [2], 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 [3]; whereas Article 4 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; whereas rules for assessing the disadvantage involved should be laid down taking into account all the factors that could justify such a cancellation;

Whereas the new conversion rates fixed by Regulation (EEC) No 976/78 will apply only from the dates specified in Article 2a of Regulation (EEC) No 878/77; whereas the cancellations in question should be permitted only at the moment 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 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 said prices are not subject to changes; whereas use should therefore be made of the option provided for in Articles 2 and 2a of Regulation (EEC) No 878/77 to lay down other dates for distillation operations than that for the wine sector in general and it should be specified that the new rates due to apply from 16 December 1978 should apply from 1 September 1978;

Whereas application of the representative rate for the Italian lira fixed in Council Regulation (EEC) No 178/78 [4] and pursuant to Article 2 (5) (b) of Regulation (EEC) No 878/77 applicable to the wine sector from 22 May 1978 will carry the risk of hindering the normal progress of the distillation operations now in hand; whereas it therefore appears necessary not to apply this rate to these operations;

Whereas Article 5 (2) of 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 this facility should be made use of to the extent necessary to prevent any reduction in national currency terms of the amounts concerned;

Whereas until now the detailed rules for the application of Council Regulation (EEC) No 878/77 on the exchange rates to be applied in agriculture have been fixed by Commission Regulation (EEC) No 937/77 of 29 April 1977 [5], as last amended by Regulation (EEC) No 475/78 [6]; whereas this should be replaced by a new Regulation;

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

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[1] OJ No L 106, 29. 4. 1977, p. 27.
[2] OJ No L 125, 13. 5. 1978, p. 32.
[3] OJ No L 188, 1. 8. 1968, p. 1.
[4] OJ No L 26, 31. 1. 1978, p. 1.
[5] OJ No L 110, 30. 4. 1977, p. 1.
[6] OJ No L 65, 8. 3. 1978, p. 10.

HAS ADOPTED THIS REGULATION :

Article 1

1. Without prejudice to the measures to be adopted on adjustments to the monetary compensatory amounts for 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.

Article 2

1. The provisions of Regulation (EEC) No 937/77 on the application of the last subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 shall continue to apply to representative rates decided on before 12 May 1978.

The following provisions shall apply to the new representative rates decided on or after 11 May 1978.

2. The provisions of the last subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 shall apply only to advance fixing 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 858/78 [2], before 12 May 1978 in the case of the representative rates specified in Article 2a (1) (c), (d), (e) and (f) of Regulation (EEC) No 878/77 for the products and Member States concerned and from the dates shown in paragraphs 2 and 3 of the said Article.

Article 3

1. 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 amended by Regulation (EEC) No 2560/77 [4], and the relevant amounts of aid,

— the purchase price to be paid by the intervention agencies under the arrangements for the distillation of the by-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 Articles 2 and 2a respectively of Regulation (EEC) No 878/77 shall apply from 1 September 1978.

2. The representative rate for the Italian lira fixed in Regulation (EEC) No 178/78 and pursuant to Article 2 (5) (b) of Regulation (EEC) No 878/77 applicable to the wine sector from 22 May 1978 shall not apply to distillation operations decided on before the entry into force of this Regulation.

Article 4

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

2. As regards the amounts set out in the Annex, Member States shall bring into force all measures necessary to comply with the provisions of paragraph 1 by 1 January 1979.

3. The Annex to Regulation (EEC) No 937/77 is hereby repealed.

Article 5

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

(1) OJ No L 25, 31. 1. 1975, p. 10.
(2) OJ No L 116, 28. 4. 1978, p. 18.
(3) OJ No L 99, 5. 5. 1970, p. 1.
(4) OJ No L 303, 28. 11. 1977, p. 1.

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

Done at Brussels, 19 May 1978.

For the Commission

Finn GUNDELACH

Vice-President

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)	42 901 u.a. per MWU	43 030 u.a. per MWU
Article 9 (2)	10 730 u.a. 54 400 u.a. per investment	10 765 u.a. 54 565 u.a. per investment
Article 10 and Article 1 of the Council Directive of 15 May 1973 (2)	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	48·2 u.a./ha 32·6 u.a./ha 16·6 u.a./ha 4 820 u.a./farm 3 260 u.a./farm 1 660 u.a./farm
Article 11 (1)	612 u.a.	614 u.a.
Article 12	2 683 u.a. 8 048 u.a.	2 691 u.a. 8 072 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)	16·5 u.a./ABU or ha	16·6 u.a./ABU or ha
Article 7 (1) (a)	53·5 u.a./ABU 53·5 u.a./ha of area under forage	53·7 u.a./ABU 53·7 u.a./ha of area under forage
Article 7 (1) (b)	53·5 u.a./ha	53·7 u.a./ha
Article 10 (2)	10 730 u.a./holding	10 765 u.a./holding