COMMISSION REGULATION (EEC) No 1837/78

of 31 July 1978

defining the scope of Article 4 (5) of Regulation (EEC) No 1380/75 laying down detailed rules for the application of monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 (1), as last amended by Regulation (EEC) No 557/76 (2), and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar (3), as last amended by Regulation (EEC) No 705/78 (4), and in particular Articles 12 (2), 19 (4) and 34 thereof,

Whereas, following the judgment of the Court of Justice of the European Communities in Case 108/77, Article 4 of Commission Regulation (EEC) No 1380/75 of 29 May 1975 laying down detailed rules for the application of monetary compensatory amounts (5), as last amended by Regulation (EEC) No 1392/78 (6), was supplemented by a paragraph 5 specifying that the coefficient referred to in paragraph 3 of the said Article was also to be applied to refunds and levies, the amount of which was set in a national currency in the statement of award following an invitation to tender;

Whereas Regulation (EEC) No 1392/78 introducing this amendment entered into force on 24 June 1978; whereas, by Commission Regulation (EEC) No 1182/78 of 31 May 1978 supplementing Regulations (EEC) No 1634/77 and (EEC) No 1790/77 on standing invitations to tender to determine export refunds for sugar (7), a temporary provision, which entered into force on 1 June 1978, has already been adopted for the sugar sector; whereas it was specified in Regulation (EEC) No 1392/78 that the provisions adopted on this matter were without prejudice to any solution to be adopted in respect of operations carried out before 1 June 1978 in the case of the sugar sector and before 24 June 1978 in the case of the other sectors;

Whereas the new provision should be retroactively applied in all cases where this is to the benefit of the interested party;

Whereas Article 2 of Regulation (EEC) No 1392/78 and the provisions of Regulation (EEC) No 1182/78 will become redundant when this Regulation enters into force;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (5) of Regulation (EEC) No 1380/75 shall apply to operations for which completion of the customs formalities occurs:

(a) for operations in the sugar sector, on or after 1 June 1978;

(b) for operations in other sectors, on or after 24 June 1978;

(c) before these dates in cases when its application will mean a reduction in the monetary compensatory amount levied or to be levied.

Article 2

1. Article 2 (2) of Regulation (EEC) No 1392/78 is repealed.

2. Each of the Articles 7 (a) of Regulations (EEC) No 1634/77 and (EEC) No 1790/77 together with Regulation (EEC) No 1182/78 are repealed.

Article 3

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

(1) OJ No L 106, 12. 5. 1971, p. 1.
(2) OJ No L 67, 15. 3. 1976, p. 1.
(3) OJ No L 359, 31. 12. 1974, p. 1.
(4) OJ No L 94, 8. 4. 1978, p. 1.
(5) OJ No L 139, 30. 5. 1975, p. 11.
(6) OJ No L 167, 24. 6. 1978, p. 53.
(7) OJ No L 145, 1. 6. 1978, p. 46.

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

Done at Brussels, 31 July 1978.

For the Commission

Finn GUNDELACH

Vice-President