COMMISSION REGULATION (EEC) No 1358/89

of 18 May 1989

amending Regulation (EEC) No 735/85 fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 2210/88 [2], and in particular Article 27 (4) thereof,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed [3], as last amended by Regulation (EEC) No 2216/88 [4], and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Commission Regulation (EEC) No 735/85 [5] establishes the amount of the aid to be granted from 22 March 1985;

Whereas, owing to a substantive error in the conversion rates for the ecu in Annex III to the abovementioned Regulation, the amounts of the subsidies did not correspond in certain cases to the provisions of Regulation No 136/66/EEC as regards the detailed rules for the calculation of the subsidy; whereas a manifest error was involved in view of the rates for the ecu applying at that time;

Whereas, owing to the error mentioned above, the application of the subsidies fixed in Regulation (EEC) No 735/85 would have led to the granting to certain operators of subsidies which would have been too high; whereas, to prevent that undue, discriminatory advantage over the other operators, the Commission adopted Regulation (EEC) No 756/85 [6] of 22 March 1985 suspending advance fixing of the subsidy for colza, rape and sunflower seed and Regulation (EEC) No 755/85 [7] of the same date fixing the amount of the subsidy on oil seeds; whereas Annex III to Regulation (EEC) No 755/85, which came into force on 23 March 1985, sets out the corrected conversion rates for the ecu;

Whereas, following the judgment of the Court of Justice of 28 February 1989 in Case 201/87, Regulation (EEC) No 756/85 was declared invalid having regard to Article 8 (1) of Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds [8];

Whereas, in order to prevent operators whose applications for advance-fixing certificates for the subsidy have been suspended pursuant to Regulation (EEC) No 756/85 from obtaining a subsidy which is unwarranted and discriminatory with respect to the other operators, the correct conversion rates applicable to such applications should be re-established in accordance with Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture [9], as last amended by Regulation (EEC) No 855/84 [10],

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 735/85 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 22 March 1985.

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 197, 26. 7. 1988, p. 1.
(3) OJ No L 167, 25. 7. 1972, p. 9.
(4) OJ No L 197, 26. 7. 1988, p. 10.
(5) OJ No L 80, 22. 3. 1985, p. 18.
(6) OJ No L 81, 23. 3. 1985, p. 38.
(7) OJ No L 81, 23. 3. 1985, p. 36.
(8) OJ No L 163, 22. 6. 1983, p. 44.
(9) OJ No L 132, 21. 5. 1983, p. 33.
(10) OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 18 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

'ANNEX III

Exchange rates of the ecu to be used for converting final aids into the currency of the country of processing where the latter is a country other than the country of production

(value of ECU 1)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,225680	2,218560	2,212110	2,205790	2,205790	2,188920
Fl	2,518270	2,512760	2,507950	2,502950	2,502950	2,487860
Bfrs/Lfrs	44,769200	44,795200	44,831100	44,860700	44,860700	44,962900
FF	6,802180	6,808060	6,814560	6,823940	6,823940	6,857480
Dkr	7,964400	7,979560	7,985870	7,988250	7,988250	8,001030
£ Irl	0,714652	0,717347	0,720164	0,722332	0,722332	0,727880
£	0,605243	0,607481	0,609142	0,610547	0,610547	0,612807
Lit	1 402,95	1 408,77	1 414,78	1 421,02	1 421,02	1 440,17
Dr	94,457600	94,446600	94,471700	94,499600	94,499600	94,676700'