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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 239 final

Brussels, 19 May 1976

PROPOSAL FOR A COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 557/76 on the exchange rates
to be applied in agriculture and repealing Regulation (EEC)
No 475/75

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

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, as last amended by Regulation (EEC) No 1020/76, extended to alterations to the green rates 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. This Regulation provides, inter alia, for the right to obtain cancellation of certificates and documents indicating amounts which have been fixed in advance. However, it was specified in Regulation (EEC) No 557/76 that the exercise of that right was justified only if the fixing of the new representative rates was disadvantageous for the party concerned.

In respect of products for which there are monetary compensatory amounts, changes in the green rate can be disadvantageous only with regard to those compensatory amounts; since refunds and levies remain unchanged in national currency, owing to the coefficient applied to them, only the compensatory amount to be granted, which in future will be lower, may be disadvantageous for an operator. He is then authorized to cancel his certificate (Article 1(1) of Regulation (EEC) No 571/76).

The party concerned may, however, request cancellation, not because of the abovementioned disadvantage, but in order to receive, for example, a refund fixed in the interim at a more attractive level. It is obvious that if the right to cancel is exercised on a large scale, it may, in such cases, seriously hinder the proper administration by the Community of a particular agricultural market. In these circumstances, it is desirable to lay down that the right may be replaced by another, in particular by the right to compensatory for the loss suffered.

From the financial point of view, this proposal is not likely to increase significantly expenditure under the Guarantee Section of the EAGGF. In fact it is intended to avoid certain drawbacks which could result from the application of the general rule contained in Article 4 of Regulation (EEC) No 1134/68 and in Article 5(2) of Regulation (EEC) No 557/76 - and which could lead to a much more important increase in the total expenditure for a given operation.

PROPOSAL FOR A COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 557/76 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2543/73⁽²⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas 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⁽³⁾, as last amended by Regulation (EEC) No 1020/76⁽⁴⁾, extended to the cases provided for in the said Regulation (EEC) No 557/76 certain 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⁽⁵⁾; whereas, however, as regards the right to cancel documents or certificates which refer to amount which have been the subject at an advance fixing, it was provided that the exercise of such a right would be justified only if the persons concerned were placed at a disadvantage as a result of the fixing of the new representative rates ;

Whereas, if this right were widely exercised, it could in certain cases seriously impede good

Community management of a given agricultural market; whereas provision should therefore be made for it to be replaced by the right to compensation for the disadvantage suffered,

HAS ADOPTED THIS REGULATION:

(1) OJ No 106, 30.10.1962, p. 2553/62

(2) OJ No L 263, 19.9.1973, p. 1

(3) OJ No L 67, 15.3.1976, p. 1

(4) OJ No L 115, 1.5.1976, p. 66

(5) OJ No L 188, 1.8.1968, p. 1

Article 1

The following subparagraph is hereby added to Article 5(2) of Regulation (EEC) No 557/76:

"Provision may be made for this disadvantage to be compensated for by other suitable measures. In such a case, the provisions referred to in the first subparagraph shall not apply".

Article 2

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

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

Done at Brussels,

For the Council