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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2898/81

of 7 October 1981

amending Regulation (EEC) No 1371/81 laying down detailed rules for the administrative application of monetary compensatory amounts, Regulation (EEC) No 243/78 providing for the advance fixing of monetary compensatory amounts and Regulation (EEC) No 52/81 laying down detailed rules for the application of accession compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece,

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 876/81⁽²⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1/81 of 1 January 1981 laying down general rules for the system of accession compensatory amounts for cereals⁽³⁾, and in particular Article 8 thereof, and to the corresponding provisions of the other Regulations laying down general rules for the system of compensatory amounts for agricultural products, or for goods resulting from the processing of agricultural products,

Whereas Commission Regulation (EEC) No 1371/81 of 19 May 1981⁽⁴⁾ laid down detailed rules for the administrative application of the monetary compensatory amounts introduced by Regulation (EEC) No 974/71;

Whereas, up to 4 October 1981, the Belgo-Luxembourg Economic Union (BLEU) and the Netherlands had decided to keep fluctuations of their currencies within the margins prior to 9 May 1971 and had not altered the relationship between their currencies, thereby avoiding application of monetary

compensatory amounts between the BLEU and the Netherlands; whereas, however, following the adjustments to central rates carried out within the European monetary system and taking effect on 5 October 1981, the existing relationship between the Belgian/Luxembourg franc and the Dutch guilder has been altered; whereas, accordingly, monetary compensatory amounts are to be applied between the BLEU and the Netherlands and Article 24 of Regulation (EEC) No 1371/81 should be amended accordingly; whereas the consequences of this situation must be taken into account and Regulations (EEC) No 243/78⁽⁵⁾ and (EEC) No 52/81⁽⁶⁾ amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 24 of Regulation (EEC) No 1371/81 shall read as follows:

'Article 24

For the purposes of this Regulation, Belgium and Luxembourg (BLEU) shall be considered as a single Member State.'

Article 2

Article 1 (4) of Regulation (EEC) No 243/78 shall read as follows:

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 88, 2. 4. 1981, p. 26.

⁽³⁾ OJ No L 1, 1. 1. 1981, p. 1.

⁽⁴⁾ OJ No L 138, 25. 5. 1981, p. 1.

⁽⁵⁾ OJ No L 37, 7. 2. 1978, p. 5.

⁽⁶⁾ OJ No L 4, 1. 1. 1981, p. 30.

'4. For the purposes of this Regulation, Belgium and Luxembourg (BLEU) shall be considered as a single Member State.'

shall not apply. In this case alone Belgium and Luxembourg (BLEU) shall be considered as a single Member State.'

Article 3

The following paragraph is added to Article II of Regulation (EEC) No 52/81 :

'However, in the case of products for which monetary compensatory amounts are applied, this rule

Article 4

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, 7 October 1981.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2899/81**of 7 October 1981****amending Regulation (EEC) No 926/80 on exemption from the application of
monetary compensatory amounts in certain cases**

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 1523/80⁽²⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 926/80 of 15 April 1980 on exemption from the application of monetary compensatory amounts in certain cases⁽³⁾, laid down the conditions in which the Member States shall, on a discretionary basis, exempt imports and exports from payment of all or part of new monetary compensatory amounts; whereas, by virtue of the first and second subparagraphs of Article 8 (3) of the said Regulation, where movements on the exchange markets yield an advantage, following a forward currency operation, the advantage is to be deducted from the additional expense; whereas, for the purposes of calculating the advantage, the conversion rates for the currencies concerned in the contract are to be compared; whereas, in these circumstances, it seems necessary to clarify this position by identifying the conversion rates concerned for determining the advantage, where a forward currency operation, concluded on the same day as the contract for goods, is taken into consideration; whereas, in that situation, one may reasonably consider that the forward currency rate is reflected in the price of the goods and, accordingly, is the rate employed for concluding the contract, which implies that there is no difference between the conversion rates to be compared and that there is no exchange advantage to be taken into consideration when determining the additional expense;

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 294, 4. 11. 1980, p. 6.

⁽³⁾ OJ No L 99, 17. 4. 1980, p. 15.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 926/80 is hereby amended as follows:

Article 8 (3) is replaced by the following:

'3. Where movements on the exchange markets yield an advantage to the operator, in particular where he buys or sells currency at forward rates, the advantage shall be deducted from the additional expense. For the purpose of calculating the advantage, the spot rates for the currencies specified in the contract valid:

- (a) on the day of conclusion of the contract, and
- (b) on the day of import or export, as the case may be, shall be compared.

In the case of a currency operation at forward rates, the spot rate applicable on the day of import or export shall be replaced by that determined by the said operation.

However, in the case of an operation at forward rates concluded on the same day as the contract for goods, no exchange advantage may be taken into account in determining the additional expense.

Article 2

This Regulation shall enter into force on the third day following 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, 7 October 1981.

For the Commission

Poul DALSAER

Member of the Commission

COMMISSION REGULATION (EEC) No 2900/81

of 7 October 1981

fixing the components used to calculate the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC 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 3454/80 ⁽²⁾,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 850/81 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed ⁽⁵⁾, as last amended by Regulation (EEC) No 852/78 ⁽⁶⁾, and in particular Article 2 (2) thereof,

Whereas Article 2 (1) (a) of Regulation (EEC) No 1569/72 provides that the differential amounts for those Member States which keep their exchange rates at any given moment within a band of 2.25 % must be determined by taking into account the incidence on prices of the percentage difference between :

- the conversion rate used for the purposes of the common agricultural policy, and
- the conversion rate resulting from the central rate ;

Whereas this leads to the fixing of differential amounts which remain constant as long as the information used to calculate them remains unchanged ;

Whereas following adjustments in the European monetary system central rates calculation of the differential amounts leads to no amount being fixed for grain harvested in Denmark, Ireland, Belgium or Luxembourg that is processed in these countries or exported from them ;

Whereas until 4 October 1981 the Belgo-Luxembourg Economic Union (BLEU) and the Netherlands had

maintained the fluctuations of their currencies within the margins applying before 9 May 1971 and had not changed the relationship between their currencies, which meant that there was no need to apply differential amounts between the BLEU and the Netherlands ; whereas, however, as a result of the changes in the European monetary system central rates, applying from 5 October 1981, the relationship between the Belgian/Luxembourg franc and the Dutch guilder has been altered ; whereas, therefore, provision must be made for differential amounts to be applied between the BLEU and the Netherlands ;

Whereas under Article 2 (1) (b) of the aforementioned Regulation the differential amounts for Italy and the United Kingdom are to be determined by taking into account the incidence on the price of the average percentage difference between ;

- the ratio between the conversion rate used for purposes of the common agricultural policy for the currency of the relevant Member State and the actual parity of each of the currencies of the Member States which keep their exchange rates at any given moment within a band of 2.25 %, and
- the spot market rate recorded over a given period for the currency of the relevant Member State against each of the currencies of the Member States specified above ;

Whereas for the pound sterling and the Italian lira the differential amounts should be calculated on the basis of the rates for the reference period of 5 and 6 October 1981 ;

Whereas Regulation (EEC) No 2300/73 ⁽⁷⁾, as last amended by Commission Regulation (EEC) No 3476/80 ⁽⁸⁾, lays down detailed rules for the application of Regulation (EEC) No 1569/72 ;

Whereas it follows from applying the detailed rules set out above that the components used to calculate the differential amounts should be as set out in the Annex hereto ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 106, 29. 4. 1977, p. 27.

⁽⁴⁾ OJ No L 90, 4. 4. 1981, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁷⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁸⁾ OJ No L 363, 31. 12. 1980, p. 71.

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

The components used to calculate the differential amounts provided for in Article 1 of Regulation (EEC) No 1569/72 shall be as set out in the Annex hereto.

This Regulation shall enter into force on 8 October 1981.

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

Done at Brussels, 7 October 1981.

For the Commission

Poul DALSAGER

Member of the Commission

ANNEX

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0929	— 0.0929	+	—
— harvested in Germany			—	—
— harvested in the Netherlands			—	0.0420
— harvested in the BLEU			—	0.0920
— harvested in France			—	0.1192
— harvested in Denmark			—	0.0920
— harvested in Ireland			—	0.0920
— harvested in the United Kingdom			—	0.0500
— harvested in Italy			—	0.1392
2. Colza and rape seed, processed for oil production in the Netherlands or exported from that country :	+ 0.0531	— 0.0531	+	—
— harvested in Germany			0.0438	—
— harvested in the Netherlands			—	—
— harvested in the BLEU			—	0.0520
— harvested in France			—	0.0806
— harvested in Denmark			—	0.0520
— harvested in Ireland			—	0.0520
— harvested in the United Kingdom			—	0.0084
— harvested in Italy			—	0.1015
3. Colza and rape seed, processed for oil production in the BLEU or exported from the BLEU :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0300
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.0462	—
— harvested in Italy			—	0.0520
4. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0300
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.0462	—
— harvested in Italy			—	0.0520

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.0299	+ 0.0299	+	—
— harvested in Germany			0.1353	—
— harvested in the Netherlands			0.0876	—
— harvested in the BLEU			0.0309	—
— harvested in France			—	—
— harvested in Denmark			0.0309	—
— harvested in Ireland			0.0309	—
— harvested in the United Kingdom			0.0785	—
— harvested in Italy			—	0.0227
6. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	+ 0.0451	— 0.0451	+	—
— harvested in Germany			0.0527	—
— harvested in the Netherlands			0.0084	—
— harvested in the BLEU			—	0.0441
— harvested in France			—	0.0728
— harvested in Denmark			—	0.0441
— harvested in Ireland			—	0.0441
— harvested in the United Kingdom			—	—
— harvested in Italy			—	0.0939
7. Colza and rape seed, processed for oil production in Ireland or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.1013	—
— harvested in the Netherlands			0.0550	—
— harvested in the BLEU			—	—
— harvested in France			—	0.0300
— harvested in Denmark			—	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			0.0462	—
— harvested in Italy			—	0.0520
8. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.0538	+ 0.0538	+	—
— harvested in Germany			0.1617	—
— harvested in the Netherlands			0.1129	—
— harvested in the BLEU			0.0549	—
— harvested in France			0.0232	—
— harvested in Denmark			0.0549	—
— harvested in Ireland			0.0549	—
— harvested in the United Kingdom			0.1036	—
— harvested in Italy			—	—

