

# European Communities

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EUROPEAN PARLIAMENT

## Working Documents

1972 - 1973

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15 March 1973

DOCUMENT 337/72

### Report

drawn up on behalf of the Committee for Finance and Budgets

on the proposal from the Commission of the European Communities to the Council (Doc. 278/72) for a directive on mutual assistance for the recovery of sums paid in error in connection with the common agricultural policy, and of agricultural levies and customs duties

Rapporteur: Mr C. DURAND

By letter of 24 January 1973 the President of the Council consulted the European Parliament, pursuant to Article 43 of the Treaty, on a proposal for a directive on mutual assistance for the recovery of sums paid in error in connection with the common agricultural policy, and of agricultural levies and customs duties.

On 31 January 1973 the President of the European Parliament referred this proposal for a directive to the Committee for Finance and Budgets as the committee responsible, and to the Legal Affairs Committee and the Committee on Agriculture for their opinions.

On 2 February 1973, the Committee for Finance and Budgets appointed Mr Durand rapporteur.

The committee discussed and unanimously adopted the following motion for a resolution at its meeting of 9 March 1973.

The following were present: Mr Aigner, vice-chairman, acting chairman, Mr Durand, rapporteur, Mr Artzinger, Miss Flesch, Lord O'Hagan, Mr Jozeau-Marigné, Mr Memmel, Mr Notenboom, Mr Pêtre, Mr Pounder, Mr Schwörer and Mr Wohlfart.

The Committee for Finance and Budgets hereby submits to the European Parliament the following motion for a resolution:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on mutual assistance for the recovery of sums paid in error in connection with the common agricultural policy, and of agricultural levies and customs duties

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council<sup>1</sup>,
- having been consulted by the Council pursuant to Article 43 of the Treaty establishing the EEC (Doc. 278/72),
- having regard to the report of the Committee for Finance and Budgets and the opinions of the Legal Affairs Committee and the Committee on Agricultural (Doc. 337/72),

1. Welcomes the proposed directive which will facilitate the recovery of sums paid in error in connection with the common agricultural policy and of unpaid agricultural levies and customs duties;
2. Is of the opinion that, because of the Community character of the expenditure and revenue that may give rise to the claims referred to in this proposed directive and because of the need to ensure equal treatment for all national and legal persons in the Community, provisions on mutual assistance for the recovery of these sums should be adopted at Community level;
3. Considers however that this proposal must be amended in particular in order to define certain concepts more clearly and throw into greater relief the Community character of agricultural expenditure and of the revenue accruing from levies and customs duties;
4. Invites the Commission to endorse the amendments set out below, pursuant to Article 149 of the Treaty;

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<sup>1</sup> COM (72) 1578 final and final 2

5. Requests furthermore that the Council adopt without delay the implementing measures provided for in Article 13 which are indispensable to the implementation of the directive covered by this proposal;
6. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

Proposal for a Council directive on mutual assistance for the recovery of sums paid in error in connection with the common agricultural policy, and of agricultural levies and customs duties.

Proposal for a Council directive on mutual assistance for the recovery of claims resulting from sums paid in error in connection with the common agricultural policy, and of agricultural levies and customs duties which have been evaded.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Preamble and Recitals 1 to 6 unchanged

7. Whereas the receiving authority must be able to authorize deferment of payment or payment by instalments and to take protective measures; whereas the claims for repayment must not however have any preference or priority in the State in which the receiving authority is situated;

7. Whereas the receiving authority must be able to authorize deferment of payment or payment by instalments and to take protective measures; whereas the claims for repayment must however enjoy the same preference or priority as similar national Treasury claims of the State in which the receiving authority is situated;

Recitals 8 and 9 unchanged

Articles 1 to 5 unchanged

Article 6

1. Where the right to repayment is contested proceedings shall be commenced by the person concerned before the competent authority of the Member State in which the applicant authority is situated in accordance with the laws and regulations of that State. The person concerned shall at the same time give notice of the proceedings to the receiving authority.

1. Where the right to repayment is contested proceedings shall be commenced by the person concerned before the competent body of the Member State in which the applicant authority is situated in accordance with the laws and regulations of that State. The person concerned shall at the same time give notice of the proceedings to the receiving authority.

<sup>1</sup> For full text, see COM (72) 1578 final and final 2

Paragraphs 2 and 3 unchanged

Section 2 unchanged

Article 7 unchanged

Article 8

Rights to repayment shall have no preference or priority in the Member State in which the receiving authority is situated.

Rights to repayment shall enjoy the same preference or priority as similar national Treasury claims of the State in which the receiving authority is situated.

Article 9

At the request of the applicant authority, the receiving authority shall take protective measures. The provisions of Articles 5 and 6 shall be applicable mutatis mutandis.

At the reasoned request of the applicant authority, the receiving authority shall take protective measures. The provisions of Articles 5 and 6 shall be applicable mutatis mutandis.

Articles 10 to 17 unchanged