

COMMISSION DECISION

of 18 April 1974

on the reform of the agricultural structure in the Federal Republic of Germany,
in implementation of Directive No 72/160/EEC

(Only the German text is authentic)

(74/258/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Directive No
72/160/EEC⁽¹⁾ of 17 April 1972 concerning measures
to encourage the cessation of farming and the realloca-
tion of utilized agricultural area for the purposes of
structural improvement, and in particular Article 9 (3)
thereof;

Whereas on 5 February 1974 the Government of the
Federal Republic of Germany notified pursuant to
Article 8(4) of Directive No 72/160/EEC the fol-
lowing:

— Law of 19 December 1973 on the permanent
review of benefits under the farmers' pension
scheme (seventh amendment to the farmers'
pension scheme law) [Gesetz über die laufende
Anpassung der Altersgelder in der Altershilfe für
Landwirte (Siebentes Änderungsgesetz GAL)];

Whereas on 14 June 1973 and 23 October 1973 the
Government of the Federal Republic of Germany
further notified pursuant to Article 8(4) of Directive
No 72/160/EEC the following provisions:

- outline rules of 21 December 1972 for adaptation
grants to assist elderly agricultural workers
[Grundsätze für die Förderung durch Anpassungs-
hilfen für ältere landwirtschaftliche Arbeitnehmer
vom 21. Dezember 1972];
- outline rules of 20 April 1973 for premiums to
encourage the granting of long leases [Grundsätze
für die Förderung der langfristigen Verpachtung
durch Prämien];
- Directives of 30 July 1970 on special measures
relating to agricultural holdings in Lower Saxony
— supplementary social welfare scheme [Richt-
linie für besondere Maßnahmen für landwirtschaft-
liche Betriebe in Niedersachsen — sozialer
Ergänzungsplan];

Whereas Article 9(3) of Directive No 72/160/EEC
requires the Commission to determine whether,
having regard to the objectives of the Directive and to
the need for a proper connection between the various

measures, these draft provisions comply with the
Directive and thus satisfy the conditions for financial
contribution by the Community;

Whereas the objective of Directive No 72/160/EEC is
to make sufficient vacant land available for the forma-
tion of farms of appropriate size and structure as
provided for in Article 4 of Council Directive No
72/159/EEC⁽²⁾ on the modernization of farms;

Whereas to achieve this objective Member States are
consequently required:

- under Article 2(1) (a) of Directive No 72/160/EEC,
to grant annuities to farmers aged between 55 and
65 practising farming as their main occupation
who cease farming;
- under Article 2(1) (b) of Directive No 72/160/EEC,
to grant farmers premiums, such premiums not to
be eligible for assistance and to be calculated by
reference to the utilized agricultural area released;
- under Article 2(1) (c) of Directive No 72/160/EEC,
to grant annuities to permanent hired or family
workers aged between 55 and 65 employed on
farms on which the farmer benefits from the
measures provided for under Article 2(1) (a) and (b)
of the Directive;

Whereas the grant of such annuity or premium is
subject to the condition that the recipient cease
working in agriculture and that, where the recipient is
a farmer at least 85 % of his land be either sold or
leased for a long period to farms which are under-
going modernization pursuant to Directive No
72/159/EEC, or that it be withdrawn permanently
from agricultural use or sold or leased to a land
agency, which must put the land to one of the above-
mentioned uses;

Whereas Member States may, on the grounds of the
age or means of the recipient, vary the amount of or
refuse to grant an annuity or premium; whereas they
may reduce the annuity granted to permanent hired
or family workers by the amount of any unemploy-
ment benefit received by the latter;

Whereas the annuity (Betriebsabgaberente) provided
for in the Law forwarded by the Government of the
Federal Republic of Germany on the permanent

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 9.

⁽²⁾ OJ No L 96, 23. 4. 1972, p. 1.

review of benefits under the farmers' pension scheme corresponds to the annuity provided for in Article 2(1) (a) of Directive No 72/160/EEC;

Whereas the premium provided for in the outline rules for premiums to encourage the granting of long leases, forwarded by the Government of the Federal Republic of Germany, and the measures provided for in the Directives on special measures relating to agricultural holdings in lower Saxony — supplementary social welfare scheme — correspond to the premiums provided for in Article 2(1) (b) of Directive No 72/160/EEC;

Whereas the arrangements provided for in the outline rules for adaptation grants to assist elderly agricultural workers, forwarded by the Government of the Federal Republic of Germany, correspond to the annuity provided for in Article 2(1) (c) of Directive No 72/160/EEC;

Whereas, by reason of the relationship between the measures provided for in Directive No 72/160/EEC and those provided for in Directive No 72/159/EEC, a Commission Decision pursuant to Article 9(3) of Directive No 72/160/EEC may apply only for that period for which the Commission Decision pursuant to Article 18(3) of Directive No 72/159/EEC on the measures for implementing that Directive is to apply;

Whereas the EAGGF Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the Opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The laws, regulations and administrative provisions for the implementation of Directive No 72/160/EEC, notified by the Government of the Federal Republic of Germany on 5 February 1974, 19 June and 23 October 1973 pursuant to Article 8(4) of Directive No 72/160/EEC, satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 6 of Directive No 72/160/EEC.

Article 2

Financial contribution by the Community shall be confined to eligible expenditure arising in connection with aids granted in pursuance of decisions taken after 1 January 1974.

Article 3

This Decision shall apply until 31 December 1974.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 April 1974.

For the Commission

The President

François-Xavier ORTOLI