

COMMISSION DECISION

of 3 March 1976

on the implementation of the reform of agricultural structures in the Federal Republic of Germany pursuant to Title II of Directive 75/268/EEC

(Only the German text is authentic)

(76/374/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming, in certain less-favoured areas⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms⁽²⁾, and in particular Article 18 (3) thereof,

Whereas on 26 June 1975 the Government of the Federal Republic of Germany forwarded, pursuant to Article 13 of Directive 75/268/EEC, principles for incentives to farms in mountain and hill areas and in certain less-favoured areas promulgated on 11 April 1975;

Whereas, on 11 November and 18 December 1975, the Government of the Federal Republic of Germany also forwarded, pursuant to Article 13 of Directive 75/268/EEC, the text of the following laws, regulations and administrative provisions of the German Länder:

Bavaria

Directives on the Bavarian grassland and hill programme of 14 June 1975, Section 2: 'Premiums for extensive cattle farming'.

Baden-Württemberg

Order to encourage to agricultural measures for conservation of cultivated areas (subsidies to sheep farms) of 8 July 1971, in the version of 2 August 1973.

Hesse

Directives to encourage measures for preservation of the countryside by farms in the version of 11 March 1975, Section 3 (3): 'Incentives for keeping breeding cows', Section 3 (4): 'Incentives for keeping store cattle' and Section 3 (5): 'Incentives for sheep farming'.

North-Rhine-Westphalia

Order of 27 April 1973, in the version of 1975, Section 3 (1) (1): 'Premiums for keeping breeding cows'.

Whereas, under Article 18 (3) of Directive 72/159/EEC and Article 13 of Directive 75/268/EEC, the Commission must decide whether, having regard to the objectives of Directive 75/268/EEC and to the need for a proper connection between the various measures, the laws, regulations and administrative provisions communicated comply with this Directive and thus satisfy the conditions for financial contribution by the Community;

Whereas the essential objective of Directive 75/268/EEC is to ensure the continuation of farming, in the mountain and hill areas and less-favoured areas laid down by the Council, thereby maintaining a minimum population level or conserving the countryside;

Whereas Directive 75/268/EEC thereof authorized Member States to introduce a system of aids to encourage farming and to raise farm incomes in these areas;

Whereas this system may take the form of an allowance to compensate farmers for permanent natural handicaps, if they undertake to pursue a farming activity in accordance with the aims of the Directive for at least five years; whereas in the case of cattle, sheep and goats this allowance is calculated in relation to livestock numbers and may not exceed 50 units of account per livestock unit and 50 units of account per hectare under forage, but may not be less than 15 units of account per livestock unit;

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 96, 23. 4. 1972, p. 1.

whereas in addition to the conditions in Articles 6 and 7 of the Directive, Member States may lay down supplementary conditions or limitations on the granting of compensatory allowances;

Whereas the measures provided for in the abovementioned principles for incentives to farms in mountain and hill areas and certain less-favoured areas, promulgated on 11 April 1975, and in Section 2 of the abovementioned directive of the Land Bavaria, comply with the aim and conditions of Directive 75/268/EEC;

Whereas the abovementioned measures of the Länder Baden-Württemberg, Hesse and North-Rhine-Westphalia, which were introduced before the entry into force of Directive 75/268/EEC, do not on the other hand comply with the conditions of the Directive and must be repealed or amended within one year from the entry into force of the Directive, pursuant to Article 5, second paragraph, and Article 17 of the Directive;

Whereas however, these measures, which are in addition to the compensatory allowances provided for in the principles for incentives to farms in mountain and hill areas and certain less-favoured areas promulgated on 11 April 1975 and basically only apply in less-favoured areas in which the compensatory allowance is not granted, are, when taken together, only of slight importance; whereas therefore, despite the measures which are incompatible with the Directive, a financial contribution by the Community to the cost of the principles for incentives to farms in mountain and hill areas and in certain less-favoured areas promulgated on 11 April 1975, and to the abovementioned directives of Land Bavaria, can be held to be justified even during the transitional period allowed by Article 17;

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 Structures,

HAS ADOPTED THIS DECISION:

Article 1

The principles for incentives to farms in mountain and hill areas and in certain less-favoured areas promulgated on 11 April 1975, as forwarded by the Government of the Federal Republic of Germany, and the measures provided for in Section 2 of the directives of Land Bavaria on the Bavarian grassland and hill programme of 14 June 1975 also forwarded, comply with the conditions for financial contribution by the Community to the measures referred to in Article 13 of Directive 75/268/EEC and Article 15 of Directive 72/159/EEC.

Article 2

This Decision shall cease to have effect on 28 April 1976, unless by when the measures of Länder Baden-Württemberg, Hesse and North-Rhine-Westphalia, which are referred to in the preamble, have been amended, to comply with the conditions of Directive 75/268/EEC, or repealed.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 March 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission