COMMISSION DECISION

of 8 July 1975

on the reform of agricultural structures in the Federal Republic of Germany in 1974, in implementation of Directives No 72/159/EEC and No 72/160/EEC

(Only the German text is authentic)

(75/476/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Directive No 72/159/EEC (1) of 17 April 1972 on the modernization of farms, and in particular Article 18 (3) thereof;

Having regard to Council Directive No 75/268/EEC (2) of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas, and in particular Article 13 thereof;

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

Whereas, on 22 March and 21 November 1974, the Government of the Federal Republic of Germany forwarded, pursuant to Article 17 (4) of Directive No 72/159/EEC, the texts of the following laws, regulations and administrative provisions:

— outline rules for the encouragement of investment in individual farms and the settlement of rural areas, as amended on 17 December 1973 and in November 1974,

— outline rules for the encouragement of investment in individual combined farm and forestry undertakings and in individual forestry undertakings, as amended on 17 December 1973;

Whereas on 16 September 1974 the Government of the Federal Republic of Germany also forwarded, pursuant to Article 17 (4) of Directive No 72/159/EEC, the amended texts of the following laws, regulations and administrative provisions adopted by the Länder, or confirmed their continued validity for 1974:

Schleswig-Holstein

— directives of 8 August 1973 to encourage the formation of associations for the rational use of agricultural machinery (machinery syndicates),

— directives of 18 February 1974 to encourage farmers to employ agricultural labourers,

— directives of 25 February 1974 to encourage the enlargement of holdings through the renting of land,

— directives of 25 February 1974 to encourage the construction of buildings for cattle and pig farming,

— directives of 25 February 1974 to encourage the draining of individual farms.

Lower Saxony

— directives of 2 May 1972 on the granting of subsidies to machinery syndicates,

— directives of 13 December 1972 to encourage the pooling of labour resources by farms,

— directives on special measures relating to agricultural holdings in Lower Saxony (phased investment plan), as amended on 29 August 1973.

North Rhine-Westphalia

— directives of 10 May 1974 to encourage the formation of machinery syndicates,

(1) OJ No L 96, 23. 4. 1972, p. 1.
(2) OJ No L 128, 19. 5. 1975, p. 1.
(3) OJ No L 96, 23. 4. 1972, p. 9.

— directives of 25 April 1973 to encourage farmers to employ agricultural labourers,

— directives of 25 June 1973 to encourage farmers to employ relief milkers.

Hesse

— directives of 21 December 1972 on the granting by the Land of subsidies to land development associations,

— directives of 21 December 1972 on the promotion of joint land development schemes.

Rhineland-Palatinate

— order of 12 February 1973 to promote the formation of machinery syndicates and the pooling of labour resources.

Baden-Württemberg

— directives of 10 July 1973 to encourage the joint use of machinery through the formation of machinery syndicates,

— directives of 1 March 1973 on the provision out of Land funds of local female help and of farm labourers,

— order of 19 April 1974 on additional measures relating to the Land's regional programme for agriculture.

Saarland

— order of 5 June 1973 to promote cooperation between farms.

Bavaria

— order of 20 March 1973 laying down special conditions for financial assistance under Article 6 (5) of the law on the promotion of agriculture in Bavaria (machinery syndicates),

— order of 27 July 1972 laying down general conditions relating to financial assistance for central services for local female help and farm labourers,

— directives of 12 March 1973 on the encouragement of village improvements;

Whereas on 22 March 1974 the Government of the Federal Republic of Germany also forwarded, pursuant to Article 8 (4) of Directive No 72/160/EEC, the texts of the following laws, regulations and administrative provisions:

— outline rules for premiums to encourage the granting of long leases, as amended on 17 December 1973,

— outline rules for adaptation grants to assist elderly agricultural workers, as amended on 17 December 1973;

Whereas the 1973 versions of all the abovementioned laws, regulations and administrative provisions and the law on the gradual incorporation of old-age pensions into financial assistance for farmers (seventh amending law pursuant to the law concerning financial assistance for elderly farmers of 19 December 1973), which governs, *inter alia*, the introduction of the annuity mentioned in Article 2 (1) (a) of Directive No 72/160/EEC, were the subject of Commission Decisions No 74/185/EEC [1] of 13 March 1974 and No 74/258/EEC [2] of 18 April 1974;

Whereas on 17 October and 6 December 1974, the Government of the Federal Republic of Germany also forwarded:

— outline rules of 23 September 1974 on aid to mountain and hill farms and farms in certain other less-favoured areas,

— the programme of Land Baden-Württemberg, dated 1 October 1974, for the regional maintenance and development of farms — encouragement of economic investment;

Whereas, under Article 18 (3) of Directive No 72/159/EEC and Article 9 (3) of Directive No 72/160/EEC, the Commission must decide whether, having regard to the objectives of the Directive in question and to the need for a proper connection between the various measures, the laws, regulations and administrative provisions forwarded comply with the Directive and thus satisfy the conditions for financial contribution by the Community in 1974 also;

Whereas in the abovementioned outline rules for the encouragement of investment in individual farms and the settlement of rural areas the earned income comparable to that received for non-agricultural work was, pursuant to Article 4 of Directive No 72/159/EEC, fixed at an average over the Federal Republic of Germany of DM 18 800 for 1974; whereas this is considerably lower than the actual comparable income from non-agricultural work for 1974, as calculated on the basis of the actual

[1] OJ No L 94, 4. 4. 1974, p. 22.
[2] OJ No L 141, 24. 5. 1974, p. 7.

nominal rise in the incomes of non-agricultural workers since 1970;

Whereas, however, it is recognized that any belated raising of that level of earned income to the level to be established of actual comparable income from non-agricultural work would be fraught with considerable administrative difficulties and for practical reasons could not therefore be carried out;

Whereas, since the earned income fixed for 1975 pursuant to Article 4 of the said Directive corresponds to actual comparable income from non-agricultural work as established (1), it may reasonably be claimed that the fixing of too low an earned income for a period of one year is without lasting prejudice to the aim of Directive No 72/159/EEC;

Whereas, subject to the reservations set out in the Commission Decisions of 13 March and 18 April 1974, the abovementioned laws, regulations and administrative provisions otherwise continue to be consistent with the aims of Directives No 72/159/EEC, No 72/160/EEC and No 75/268/EEC;

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

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

HAS ADOPTED THIS DECISION:

Article 1

The abovementioned laws, regulations and administrative provisions for the implementation in the Federal Republic of Germany in respect of the year 1974 of Directives No 72/159/EEC, No 72/160/EEC and No 75/268/EEC satisfy the conditions for financial contribution by the Community to common measures as referred to in Article 15 of Directive No 72/159/EEC and in Article 6 of Directive No 72/160/EEC.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 8 July 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission

(1) Opinion of the Commission, pursuant to Article 17 of Directive No 72/159/EEC of 20 December 1974 (COM(74) 2205).