COMMISSION DECISION

of 14 January 1976

on the implementation of the reform of agricultural structures in the Federal Republic of Germany in 1975, pursuant to Directives 72/159/EEC and 72/160/EEC and Title III of Directive 75/268/EEC

(Only the German text is authentic)

(76/122/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms (1), and in particular Article 18 (3) thereof;

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas (2), and in particular Article 13 thereof,

Having regard to Council Directive 72/160/EEC of 17 April 1972 concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purpose of structural improvement (3), and in particular Article 9 (3) thereof,

Whereas on 23 May 1975 the Government of the Federal Republic of Germany forwarded, pursuant to Article 17 (4) of Directive 72/159/EEC and Article 8 (4) of Directive 72/160/EEC, the text of the following laws, regulations and administrative provisions:

— principles for the encouragement of investment in individual farms and the settlement of rural areas, in the version of 11 April 1975,

— principles for the encouragement of investment in individual combined farm and forestry enterprises and in individual forestry enterprises, in the version of 11 April 1975,

— principles regarding premiums to encourage the granting of long leases, dated 11 April 1975,

— principles regarding adaptation grants to assist elderly agricultural workers of 11 April 1975;

Whereas on 9 June 1975 the Government of the Federal Republic of Germany also forwarded, pursuant to Article 17 (4) of Directive 72/159/EEC and Article 8 (4) of Directive 72/160/EEC, the amended texts of the following laws, regulations and administrative provisions adopted by the Länder, or confirmed their continuing validity for 1975;

Schleswig-Holstein

— Directives of 26 April 1974 to encourage amalgamations for the rational use of agricultural machinery (machinery syndicates),

— Directives of 18 February 1974 and 19 April 1974 to encourage farmers to employ auxiliary farm labour,

— Directives of 12 February 1975 to encourage the construction of buildings for cattle and pig farming,

— Directives of 10 April 1975 to encourage the draining of individual farms.

Lower Saxony

— Directives of 11 December 1974 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), in the version of 16 January 1975,

— Directives of 24 April 1974 on measures to facilitate cessation of farming.

North Rhine-Westphalia

— Directives of 4 February 1975 to encourage the formation of machinery syndicates,

— Directives of 25 April 1973 to encourage auxiliary farm labour,

(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 June 1973 to encourage farmers to employ relief milkers,

— Directives of 20 December 1974 concerning the Land's supplementary programme.

Hesse

— Directives of 8 March 1975 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 18 April 1974 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 use of Land funds for the provision of local female helpers and auxiliary 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 helpers and auxiliary farm labourers,

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

Whereas the 1973 and 1974 versions of 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 72/160/EEC, were the subject of Commission Decisions 74/185/EEC (1), 74/258/EEC (2) and 75/476/EEC (3) ;

Whereas on 26 June 1975, the Government of the Federal Republic of Germany also forwarded pursuant to Article 13 of Directive 75/268/EEC principles of 11 April 1975 for the assistance of farms in upland regions and certain other less-favoured areas ;

Whereas on 24 July 1975 it also forwarded the following laws, regulations and administrative provisions adopted by the Länder pursuant to Title III of Directive 75/268/EEC :

Baden-Württemberg

— Directives of 2 August 1974 on aid for the creation and improvement of pasture on land which otherwise could no longer be used,

— Directives of 21 May 1975 relating to the programme of regional preservation.

Hesse

— Directives by the Land of 8 March 1975 on investment aid to individual holdings for the purpose of conservation of the countryside in holdings which would not qualify for aid.

Bavaria

— Directives concerning the Bavarian grassland and highland programme. Part B : assistance for pastureland and mountain pasture husbandry.

Whereas on 29 May 1975, the Government of the Federal Republic of Germany also forwarded, pursuant to Article 2 of Commission Decision 74/185/EEC of 13 March 1974 a report on the application of the principles for the granting of investment aid in individual combined farming and forestry undertakings and in individual forestry undertakings ;

Whereas, under Article 18 (3) of Directive 72/159/EEC and Article 9 (3) of Directive 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 with Title III of Directive 75/268/EEC and thus satisfy the conditions for financial contribution by the Community in 1975 also ;

(1) OJ No L 94, 4. 4. 1974, p. 22.
(2) OJ No L 141, 24. 5. 1974, p. 7.
(3) OJ No L 212, 9. 8. 1975, p. 13.

Whereas, subject to the reservations already set out in Commission Decision 74/185/EEC relating to the principles for the granting of investment aid in individual combined farming and forestry undertakings and in individual forestry undertakings, the laws, regulations and administrative provisions are consistent with the objectives of Directives 72/159/EEC, 72/160/EEC and 75/268/EEC;

Whereas the report from the Government of the Federal Republic of Germany referred to above showed that in 1974 and 1975 less than 0·5 % of all aided farms received aid under the latter principles; consequently, that measure, which does not comply with the requirements of Article 14 (2) of Directive 72/159/EEC, has only very little practical significance; whereas the achievement of the objectives of the Directive was therefore hardly at all affected by that measure in 1973 and 1974;

Whereas the Community must remain in a position to ascertain that the measure does not acquire special significance which might endanger the achievement of the objectives of the Directives;

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 abovementioned laws, regulations and administrative provisions for the implementation in the Federal Republic of Germany in respect of the year 1975 of Directives 72/159/EEC, 72/160/EEC and Title III of Directive 75/268/EEC satisfy the conditions for financial contribution by the Community to common measures as referred to in Article 15 of Directive 72/159/EEC, Article 13 of Directive 75/268/EEC and Article 6 of Directive 72/160/EEC.

Article 2

The Government of the Federal Republic of Germany shall forward to the Commission at the latest on 31 March 1976, the report for 1975 referred to in Article 2 of Commission Decision 74/185/EEC of 13 March 1974.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 January 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission