COMMISSION REGULATION (EEC) No 36/78
of 9 January 1978
on certain special cases as regards the application of the system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds (1), and in particular Article 7 thereof,

Whereas, since Regulation (EEC) No 1078/77 was first applied, problems of interpretation have arisen and in some cases it has not been possible to clarify them fully in the light of the said Regulation or of Commission Regulation (EEC) No 1307/77 of 15 June 1977 laying down rules for the application of the system of premiums for the non-marketing of milk and milk products and the conversion of dairy herds (2); whereas, however, particularly in the interests of the farmers concerned, legal uncertainty on such questions should be removed wherever possible so that the rights and obligations arising from the system of premiums are easily recognizable and clearly defined;

Whereas, where a farm is taken over during the reference period, the milk deliveries on the basis of which the premium is calculated should include those made by the predecessor;

Whereas, where the farm or parts thereof are taken over, certain questions arise as to the scope of the obligations transferred to the successor; whereas those questions must be settled in the light of the aims of the premium system and the possiblilities for checks;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Deliveries during the 1976 calendar year within the meaning of Article 2 (1) and the first indent of the first subparagraph of Article 3 (1) of Regulation (EEC) No 1078/77 and deliveries in 1977 in accordance with Article 1 (d) of Regulation (EEC) No 1307/77 shall mean deliveries from the holding managed on the day the application was lodged, even if the applicant has not worked the holding for the entire duration of the periods concerned.

Article 2

Where the recipient of the premium acquires, during the period to which his undertakings apply, a holding supplying milk or milk products or part of such a holding this shall not entail the extension of the undertakings to the acquired areas, provided that:

(a) the holding concerned is inherited or otherwise transferred free, and the holding or part of the holding acquired is totally separate from the existing holding at the time of the approval of the application;

(b) the new holding is acquired with a view to changing holdings and the first holding is transferred at the latest at the end of the current vegetation period along with the successor's undertaking pursuant to the first subparagraph of Article 6 (1) of Regulation (EEC) No 1078/77.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

On application by the recipient, it shall apply to approvals issued for the granting of premiums prior to its entry into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 January 1978.

For the Commission
Finn GUNDELACH
Vice-President

(1) OJ No L 131, 26. 5. 1977, p. 1.
(2) OJ No L 150, 18. 6. 1977, p. 24.