

Official Journal

of the European Communities

Volume 19 No L 138

26 May 1976

English Edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1209/76

of 30 April 1976

amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 2, 7 and 51 thereof,

Having regard to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽¹⁾, as last amended by Regulation (EEC) No 1392/74 ⁽²⁾, and in particular Articles 95 and 97 thereof,

Having regard to Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community ⁽³⁾, as last amended by Regulation (EEC) No 2639/74 ⁽⁴⁾, and in particular Article 121 thereof,

Having regard to the proposal from the Commission drawn up after consultation with the Administrative Commission on Social Security for Migrant Workers,

Having regard to the opinion of the European Parliament ⁽⁵⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁶⁾,

Whereas the changes that have been made in United Kingdom legislation call for special provisions to implement the rules relating to aggregation of periods so that, when determining the right to benefits provided for by this legislation, periods completed in the other Member States may be taken into account and, when determining rights under the legislation of other Member States, contributions paid in the United Kingdom may be taken into account;

Whereas it is appropriate that certain provisions of bilateral conventions concluded between Member States should remain in force ;

Whereas account must be taken of changes in the internal administrative organization of the Member States,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 shall be amended as follows:

1. Annex I, point D. FRANCE:
Subparagraph (b) shall be replaced by the following:
'(b) postnatal allowances.'
2. Annex II:
(a) Part A:
(i) Point 19 shall be replaced by the following:
'19. GERMANY - LUXEMBOURG
Articles 4, 5, 6 and 7 of the Treaty of 11 July 1959.'

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽²⁾ OJ No L 152, 8. 6. 1974, p. 1.

⁽³⁾ OJ No L 74, 27. 3. 1972, p. 1.

⁽⁴⁾ OJ No L 283, 19. 10. 1974, p. 1.

⁽⁵⁾ OJ No C 280, 8. 12. 1975, p. 63.

⁽⁶⁾ OJ No C 35, 16. 2. 1976, p. 38.

- (ii) Point 30 shall be replaced by the following:

'30. IRELAND - UNITED KINGDOM

Article 8 of the Agreement of 14 September 1971 on social security.'

(b) Part B:

- (i) Point 3. BELGIUM - FRANCE:

Subparagraph (b) shall be deleted.

Subparagraph (c) shall become subparagraph (b).

- (ii) Point 23 shall be replaced by the following:

'23. FRANCE - ITALY

Articles 20 and 24 of the General Convention of 31 March 1948.'

3. Annex IV:

- (a) Table headed BELGIUM, section headed ITALY, point 1, column headed 'General scheme':

'No concordance' shall be replaced by 'Concordance'.

- (b) Table headed FRANCE, section headed ITALY, point 1, first and second indents, columns headed 'General scheme, Group I', 'Agricultural scheme, $\frac{2}{3}$ invalidity', 'Miners' scheme, $\frac{2}{3}$ General invalidity':

'No concordance' shall be replaced by 'Concordance'.

- (c) Table headed LUXEMBOURG:

- (i) Section headed BELGIUM, point 2, first indent, columns headed 'Workers' invalidity — manual workers' and 'Invalidity — clerical workers':

'Concordance' shall be replaced by 'No concordance'.

- (ii) Section headed ITALY, point 1, first indent, column headed 'Workers' invalidity — manual workers':

'No concordance' shall be replaced by 'Concordance'.

4. Annex V:

- (a) Point C. GERMANY:

Paragraph 7 shall be replaced by the following:

'7. For the purposes of the Regulation, the lump-sum contributions towards confinement expenses, granted under German

legislation to insured persons and members of their families shall be considered as a benefit in kind.'

(b) Point I. UNITED KINGDOM:

- (i) The following paragraphs shall be added after paragraph 14:

'15. For the purposes of Articles 10, 27, 28, 28a, 29, 30 and 31 of the Regulation, the attendance allowance granted to a worker under United Kingdom legislation shall be considered as an invalidity benefit.

16. For the purposes of Article 10 (1) of the Regulation, any beneficiary under United Kingdom legislation who is staying in the territory of another Member State shall, during that stay, be considered as if he resided in the territory of that other Member State.'

- (ii) The following paragraph shall be added after paragraph 16:

'17. (1) For the purpose of calculating an earnings factor with a view to determining the right to benefits under United Kingdom legislation, each week during which a worker has been subject to the legislation of another Member State and which commenced during the relevant income tax year within the meaning of United Kingdom legislation shall be taken into account in the following way:

(a) for each week of insurance, employment or residence as a worker, the person concerned shall be deemed to have paid contributions as an employed earner on the basis of earnings equivalent to two-thirds of that year's upper earnings limit;

(b) for each full week during the whole of which he has completed a period treated as a period of insurance, employment or resi-

dence, the person concerned shall be treated as having a contribution credited to him, but only to the extent required to bring his total earnings factor for that year to the lower earnings limit multiplied by 50.

(2) For the purpose of converting an earnings factor into periods of insurance, the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year provided that such figure shall not exceed the number of weeks during which in that year the person was subject to that legislation.'

Article 2

Regulation (EEC) No 574/72 shall be amended as follows:

1. Article 4 (10):

'Article 86 (2)' shall be inserted after 'Article 85 (2)'.

2. Article 10 (1); heading:

'under the legislation of one Member State only' shall be replaced by 'under the legislation of a Member State'.

3. Article 12 shall be replaced by the following:

'Article 12

Special provisions concerning insurance under the German social security scheme

Where, under the terms of Article 13 (2) (a), Article 14 (1) (a), (b) and (c) or (2) (a) of the Regulation, or under an agreement concluded pursuant to Article 17 of the Regulation, German legislation applies to a worker employed by an undertaking or employer whose registered office or place of business is not situated on German territory, and the worker has no fixed job on German territory, this legislation shall apply as if the worker were employed in his place of residence on German territory.

If the worker has no residence on German territory, German legislation shall apply as if he were employed in a place for which the Allgemeine Ortskrankenkasse, Bonn (General Sickness Fund of Bonn), is competent.'

4. Annex 1:

(a) Point D shall be replaced by the following:

'D. FRANCE

1. Ministre du travail (Minister of Labour), Paris.
2. Ministre de l'agriculture (Minister of Agriculture), Paris.
3. Secrétaire d'État aux transports (State Secretary for Transport), Paris.'

(b) Point I. UNITED KINGDOM:

The following paragraph shall be added after paragraph 5:

- '6. Director of the Medical and Public Health Department, Gibraltar.'

5. Annex 2:

(a) Point C. GERMANY:

Paragraph 2 shall be replaced by the following:

2. Pension insurance for manual workers, clerical staff and miners:

For admission to voluntary insurance, and for the determination of claims to benefits and the granting of benefits pursuant to the provisions of the Regulation:

(a) for persons who have been insured or are considered as insured either exclusively under German legislation or under German legislation and the legislation of one or more other Member States, and for their survivors, if the person concerned

— is resident in the territory of another Member State or

— is a national of another Member State resident in the territory of a non-member State:

(i) if the last contribution was paid into the manual workers' pension insurance scheme:

— if the person concerned is resident in the Netherlands or is a Netherlands national resident in the territory of a non-member State:

Landesversicherungsanstalt Westfalen
(Regional Insurance Office of Westphalia),
Münster

— if the person concerned is resident in Belgium or is a Belgian national resident in the territory of a non-member State:

Landesversicherungsanstalt Rheinprovinz
(Regional Insurance Office of the Rhine
Province), Düsseldorf

— if the person concerned is resident in Italy or is an Italian national resident in the territory of a non-member State:

Landesversicherungsanstalt Schwaben
(Regional Insurance Office of Swabia), Augsburg

— if the person concerned is resident in France or Luxembourg or is a French or Luxembourg national resident in the territory of a non-member State:

Landesversicherungsanstalt Rheinland-Pfalz
(Regional Insurance Office of the Rhine-
Palatinate), Speyer

— if the person concerned is resident in Denmark or is a Danish national

- resident in the territory of a non-member State:
- Landesversicherungsanstalt Schleswig-Holstein (Regional Insurance Office of Schleswig-Holstein), Lübeck
- if the person concerned is resident in Ireland or the United Kingdom or is an Irish or United Kingdom national resident in the territory of a non-member State:
- Landesversicherungsanstalt Freie und Hansestadt Hamburg (Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg
- If, however, the last contribution was paid into:
- the Landesversicherungsanstalt für das Saarland (Regional Insurance Office of the Saarland), Saarbrücken, or to the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main:
- The institution to which the last contribution was paid
- the Seekasse (Mariners' Insurance Fund), Hamburg, or if contributions were paid for at least 60 months to the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten) (Mariners' Insurance Fund (pension insurance scheme for manual workers or clerical staff)), Hamburg:
- Seekasse (Mariners' Insurance Fund), Hamburg
- (ii) if the last contribution was paid into the pension insurance scheme for clerical staff:
- if no contribution was paid into the Seekasse (Mariners' Insurance Fund), Hamburg:
- Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin
- if a contribution was paid into the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten) (Mariners' Insurance Fund (pension insurance scheme for manual workers or clerical staff)), Hamburg:
- Seekasse (Mariners' Insurance Fund), Hamburg
- (iii) if the last contribution was paid into the pension insurance scheme for miners or if the qualifying period required for obtaining the miners' pension payable by reason of reduced ability to pursue the activity of a miner (Bergmannsrente) is, or is deemed to be, completed:
- Bundesknappschaft (Miners' Federal Insurance Fund), Bochum

(b) for persons who have been insured or are considered as having been insured under German legislation and the legislation of one or more other Member States, and for their survivors, if the person concerned:

— is resident in the territory of Germany, excluding the Saarland, or

— is a German national resident in the territory of a non-member State:

(i) if the last contribution under German legislation was paid into the manual workers' pension insurance scheme:

— if the last contribution under the legislation of another Member State was paid into a Netherlands pension insurance institution:

Landesversicherungsanstalt Westfalen
(Regional Insurance Office of Westphalia),
Münster

— if the last contribution under the legislation of another Member State was paid into a Belgian pension insurance institution:

Landesversicherungsanstalt Rheinprovinz
(Regional Insurance Office of the Rhine Province), Düsseldorf

— if the last contribution under the legislation of another Member State was paid into an Italian pension insurance institution:

Landesversicherungsanstalt Schwaben
(Regional Insurance Office of Swabia), Augsburg

— if the last contribution under the legislation of another Member State was paid into a French or Luxembourg pension insurance institution:

Landesversicherungsanstalt Rheinland-Pfalz
(Regional Insurance Office of the Rhine-Palatinate), Speyer

— if the last contribution under the legislation of another Member State was paid into a Danish pension insurance institution:

Landesversicherungsanstalt Schleswig-Holstein
(Regional Insurance Office of Schleswig-Holstein), Lübeck

— if the last contribution under the legislation of another Member State was paid into an Irish or United Kingdom pension insurance institution:

Landesversicherungsanstalt Freie und Hansestadt Hamburg
(Regional Insurance Office of the Free and Hanseatic City of Hamburg), Hamburg

If, however, the person concerned is resident in the territory of Germany in the Saarland or if he is a German national resident in the territory of a non-Member State, and if the last contribution under German legislation was paid into a pension insurance institution situated in the Saarland:

Landesversicherungsanstalt für das Saarland
(Regional Insurance Office of the Saarland),
Saarbrücken

If, however, the last contribution under German legislation was paid into:

— the Seekasse (Mariners' Insurance Fund), Hamburg, or if contributions by virtue of employment in the German navy or the navy of another country were paid for at least 60 months:

Seekasse (Mariners' Insurance Fund), Hamburg

— the Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main:

Bundesbahnversicherungsanstalt (Federal Railways Insurance Office), Frankfurt am Main

(ii) if the last contribution under German legislation was paid into the pension insurance scheme for clerical staff:

— if no contribution was paid into the Seekasse (Mariners' Insurance Fund), Hamburg:

Bundesversicherungsanstalt für Angestellte
(Federal Insurance Office for Clerical Staff),
Berlin

— if a contribution was paid into the Seekasse (Rentenversicherung der Arbeiter oder der Angestellten (Mariners' Insurance Fund (pension insurance scheme for manual workers and clerical staff)), Hamburg:

Seekasse (Mariners' Insurance Fund), Hamburg

(iii) if the last contribution under German legislation was paid into the pension insurance scheme for miners or if the qualifying period required for entitlement to a miners' pension by reason of reduced ability to pursue the activity of a miner (Bergmannsrente) is, or is deemed to be, completed:

Bundesknappschaft (Federal Miners' Insurance Fund), Bochum

(c) in the event of a change of country of residence after benefits have been awarded in the cases referred to in subparagraphs (a) (i) and (b) (i), the competent institution shall change accordingly.'

(b) Point D. FRANCE:

(i) Paragraph 1:

The heading shall be replaced by the following:

'1. For the purposes of Articles 93 (1), 94 and 95 of the Implementing Regulation:'

(ii) Paragraph 4 (I) (a) (vi), (b) (iv) and (c) (v):

'Unemployment:

Direction départementale du travail et de la main-d'œuvre (Departmental Directorate of Labour and Manpower)'

shall be replaced by the following:

'Unemployment:

— for registration as a person seeking work:

Local employment agency in the place of residence of the person concerned

— for the issue of forms E 301, E 302, E 303:

Agence nationale pour l'emploi (service spécialisé pour la sécurité sociale des travailleurs migrants), (National Employment Agency (Special Department dealing with Social Security for Migrant Workers)), 9, rue Sextius Michel, 75015 Paris'

(c) Point I. UNITED KINGDOM:

Paragraph 1 shall be replaced by the following:

'1. Benefits in kind:

Great Britain and Northern Ireland:

Authorities which grant National Health Service benefits

Gibraltar:

Medical and Public Health Department, Gibraltar'

6. Annex 3:

(a) Point C. GERMANY, paragraph 2 (a), left-hand column:

The first subparagraph shall be replaced by the following:

'(a) benefits in kind (with the exception of therapeutic treatment carried out under accident insurance and of prostheses and appliances) and cash benefits (with the exception of pensions, increases for constant attendance (Pflegegeld) and death grants):'

(b) Point D. FRANCE, Section I (1):

The following new subparagraph shall be inserted after subparagraph (a):

'(b) for joint application of Article 19 (1) and (2) and Article 35 (1) of the Regulation in the case of benefits in kind under the miners' scheme for

sickness, maternity, invalidity and death insurance (grants):

Société de secours minière (Miners' Relief Society) of the place of residence of the person concerned'

Subparagraphs (b), (c), (d), (e) and (f) shall be re-numbered (c), (d), (e), (f) and (g) respectively.

(c) Point I. UNITED KINGDOM:

Paragraph 1 shall be replaced by the following:

'1. Benefits in kind:

Great Britain and Northern Ireland:

Authorities which grant National Health Service benefits

Gibraltar:

Medical and Public Health Department, Gibraltar'

7. Annex 4:

(a) Point A shall be replaced by the following:

'A. BELGIUM

1. Sickness and maternity:

(a) in general:

Institut national d'assurance maladie-invalidité, Bruxelles
Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance Institute, Brussels)

(b) for mariners:

Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillon belge
Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag
(Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

2. Invalidity:

(a) general invalidity:

Institut national d'assurance maladie-invalidité, Bruxelles
Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance Institute, Brussels)

(b) special invalidity scheme for miners:

Fonds national de retraite des ouvriers-mineurs, Bruxelles
Nationaal pensioenfonds voor mijnwerkers, Brussel
(National Pension Fund for Miners, Brussels)

(c) mariners' invalidity scheme:

Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillon belge
Hulp- en verzorgingskas voor zeevarenden onder Belgische vlag
(Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

3. Old age, death (pensions):

- (a) For the purposes of applying Articles 41 to 43 and 45 to 50 of the Implementing Regulation:

Office national des pensions pour travailleurs salariés, Bruxelles
Rijksdienst voor werknemerspensioenen, Brussel
(National Pension Office for Employed Persons, Brussels)

- (b) For the purposes of applying Articles 45 (paying institution), 53 (1), 110 and 111 (1) and (2) of the Implementing Regulation:

Caisse nationale des pensions de retraite et de survie, Bruxelles
Rijkskas voor rust- en overlevingspensioenen, Brussel
(National Fund for Retirement and Survivors' Pensions, Brussels)

4. Accidents at work and occupational diseases:

Ministère de la Prévoyance sociale, Bruxelles
Ministerie van sociale Voorzorg, Brussel
(Ministry of Social Welfare, Brussels)

5. Death Grants:

- (a) in general:

Institut National d'assistance maladie-invalidité, Bruxelles
Rijksinstituut voor ziekte- en invaliditeitsverzekering, Brussel
(National Sickness and Invalidity Insurance Institute, Brussels)

- (b) for mariners:

Caisse de secours et de prévoyance en faveur des marins naviguant sous pavillons belge
Hulp- en voorzorgskas voor zeevarenden onder Belgische vlag
(Relief and Welfare Fund for Mariners Sailing under the Belgian Flag), Antwerpen

6. Unemployment:

- (a) in general:

Office national de l'emploi, Bruxelles
Rijksdienst voor arbeidsvoorziening, Brussel
(National Employment Office, Brussels)

- (b) for mariners:

Pool des marins de la marine marchande
Pool van de zeelieden ter koopvaardij
(Merchant Navy Pool), Antwerpen

7. Family benefits:

Ministère de la Prévoyance sociale, Bruxelles
Ministerie van sociale Voorzorg, Brussel
(Ministry of Social Welfare, Brussels)

(b) Point G. LUXEMBOURG:

(i) Section I:

- (1) The title and paragraph 1 shall be replaced by the following:

'I. FOR THE GRANTING OF BENEFITS:

1. Sickness, maternity:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg'

- (2) Paragraph 6 shall be replaced by the following:

'6. Death grants:

- (a) for the purposes of applying Article 66 of the Regulation:

Caisse nationale d'assurance-maladie des ouvriers (National Sickness Insurance Fund for Manual Workers), Luxembourg

- (b) in other cases:

the institutions referred to under 1, 2 or 3, depending upon which branch of insurance is responsible for the payment of benefit'

(ii) Section II shall be replaced by the following:

'II. OTHER CASES:

Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg'

8. Annex 5:

- (a) The following paragraph (c) shall be added to point 5. BELGIUM — ITALY:

'(c) The Agreement of 12 January 1974 for the implementation of Article 105 (2) of the Implementing Regulation.'

- (b) The following paragraph (d) shall be added to point 6. BELGIUM — LUXEMBOURG:

'(d) The Agreement of 1 August 1975 on the waiver of reimbursement provided for in Article 36 (3) of Council Regulation (EEC) No 1408/71 of 14 June 1971 in the case of expenditure on benefits in kind granted under sickness and maternity insurance to members of the family of a worker who do not reside in the same country as the worker.'

- (c) Point 7. BELGIUM — NETHERLANDS:

- (i) The following shall be added to paragraph (a):

'and the Agreement of 24 March 1975 revising the aforesaid Agreement.'

- (ii) The following paragraph shall be added after paragraph (g):

'(h) The Agreement on the reimbursement of administrative expenses concluded on 5 July 1967 between the competent Belgian and Netherlands authorities, pursuant to Article 45 (2) of Regulation No 3 and Article 77 of Regulation No 4 of the Council of the European Economic Community.'

(d) Point 35 shall be replaced by the following:

'35. LUXEMBOURG — UNITED KINGDOM

- (a) The exchange of letters of 28 November 1975 and 18 December 1975 regarding Article 70 (3) of the Regulation (waiving of reimbursement of benefits paid pursuant to Article 69 of the Regulation).
- (b) The exchange of letters of 18 December 1975 and 20 January 1976 regarding Articles 36 (3) and 63 (3) of the Regulation and Article 105 (2) of the Implementing Regulation (waiving of reimbursement of costs of benefits in kind provided under the terms of Title III, Chapters 1 or 4 of the Regulation, and also of the costs entailed in administrative checks and medical examinations referred to in Article 105 of the Implementing Regulation).'

9. Annex 6:

Point C. GERMANY; paragraphs 1 and 2 shall be replaced by the following:

'1. Pension insurance for manual workers (invalidity, old age, death):

(a) dealings with Belgium, Denmark, France, Ireland, Luxembourg and the United Kingdom:

direct payment

(b) dealings with Italy:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5), unless the beneficiary requests direct payment of the benefits

(c) dealings with the Netherlands:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5)

2. Pension insurance for clerical staff and miners (invalidity, old age, death):

(a) dealings with Belgium, Denmark, France, Ireland, Italy, Luxembourg and the United Kingdom:

direct payment

(b) dealings with the Netherlands:

payment through the liaison bodies (joint implementation of Articles 53 to 58 of the Implementing Regulation and of the provisions set out in Annex 5)'

10. Annex 9:

Point C. GERMANY:

The following paragraph shall be added after paragraph (g):

'(h) Landwirtschaftliche Krankenkassen (Agricultural Sick-ness Funds).'

11. Annex 10:

(a) Point D. FRANCE:

Paragraph 4 shall be replaced by the following:

'4. For the purposes of applying Article 17 in conjunction with Article 14 (1) (a) (ii) of the Regulation:

(i) general:

Direction régionale de la sécurité sociale
(Regional Directorate of Social Security)

(ii) agricultural scheme:

Ministre de l'Agriculture,
(Ministry of Agriculture), Paris'

(b) Point E. IRELAND:

In paragraph 1 'Article 89 (1)' shall be replaced by 'Article 86 (2)'.

(c) Point G. LUXEMBOURG:

- (i) In paragraph 2 'Ministère du travail et de la sécurité sociale (Ministry of Labour and Social Security), Luxembourg' shall be replaced by 'Inspection générale de la sécurité sociale (General Inspectorate for Social Security), Luxembourg'.
- (ii) Paragraph 3 shall be deleted and paragraphs 4, 5 and 6 shall be re-numbered paragraphs 3, 4 and 5 respectively.

(d) Point I. UNITED KINGDOM:

'Article 86 (2)' shall be inserted after 'Article 85 (2)'.

Article 3

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

However:

- Article 2 (6) (a) and (10) shall be applicable from 1 October 1972 in dealings between the Member States of the Community as originally constituted and from 1 April 1973 for the new Member States;
- Article 1 (2) (a) (ii) and (4) (b) (i), and Article 2 (1) and (11) (b) and (d) shall be applicable from 1 April 1973;
- Article 1 (2) (a) (i) shall be applicable from 1 January 1975;
- Article 1 (4) (b) (ii) shall be applicable from 6 April 1975.

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

Done at Luxembourg, 30 April 1976.

For the Council
The President
B. BERG

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 April 1976

on the reform of agricultural structures in Italy pursuant to Directives 72/159/EEC, 72/160/EEC and 72/161/EEC of 17 April 1972

(Only the Italian text is authentic)

(76/480/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 purposes of structural improvement ⁽³⁾, and in particular Article 9 (3) thereof,

Having regard to Council Directive 72/161/EEC of 17 April 1972 concerning the provision of socio-economic guidance for and the acquisition of occupational skills by persons engaged in

agriculture ⁽⁴⁾, and in particular Article 11 (3) thereof,

Whereas on 14 May 1975 the Government of Italy notified, pursuant to Article 17 (4) of Directive 72/159/EEC, Article 8 (4) of Directive 72/160/EEC and Article 10 (4) of Directive 72/161/EEC, Law No 153 of 9 May 1975 implementing the Directives of the Council of the European Communities on agricultural reform;

Whereas the Government of Italy pursuant to Article 17 (4) of Directive 72/159/EEC, further notified the following legal and administrative provisions up to 10 February 1976:

- Ministerial Decree of 7 November 1975 fixing the interest rates pursuant to Articles 18 and 19 of Law No 153 of 9 May 1975;
- two Ministerial Decrees of 7 November 1975 fixing different interest rates for farm credit on immovable property and short-term loans;
- Circular No 6 of the Ministry of Agriculture and Forestry of 7 March 1975 concerning provisions governing agricultural credit;
- Circular No 24 of the Ministry of Agriculture and Forestry of 10 December 1975 concerning Law No 153 of 9 May 1975;

⁽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.

⁽⁴⁾ OJ No L 96, 23. 4. 1972, p. 15.

— Circular No 4 of the Ministry of Agriculture and Forestry of 5 February 1976 concerning Law No 153 of 9 May 1975;

— Letter of 31 January 1976 fixing the comparable income pursuant to Article 17 of Law No 153 of 9 May 1975;

Whereas under Article 18 (3) of Directive 72/159/EEC, Article 9 (3) of Directive 72/160/EEC and Article 11 (3) of Directive 72/161/EEC the Commission has to decide whether, having regard to the compatibility of the legal and administrative provisions notified with the abovementioned Council Directives, and taking into account the aims of those Directives and the necessary connection between the various measures, the conditions for financial contribution to the common measures referred to in Article 15 of Directive 72/159/EEC, Article 6 of Directive 72/160/EEC and Article 8 of Directive 72/161/EEC are satisfied;

Whereas the basic aim of Directive 72/159/EEC is to encourage the formation and development of farms which are capable, through the use of rational methods of production, of affording persons employed by them a fair income comparable with that from non-agricultural occupations and satisfactory working conditions;

Whereas to that end Directive 72/159/EEC requires the Member States to introduce a system of selective incentives for farmers who can prove, by submitting a development plan, that upon completion of the plan their farm will attain, in respect of at least one man-work unit, a level of earned income from agriculture comparable with that received for non-agricultural work;

Whereas the measures provided for in Articles 11 to 31 of the abovementioned Law No 153 of 9 May 1975, the abovementioned Ministerial Decrees of 7 November 1975, the Circulars of 7 March 1975, 10 December 1975 and 5 February 1976 and the Letter of 31 January 1976 all entail the introduction of a system of selective incentives within the meaning of Directive 72/159/EEC;

Whereas the Commission took the following factors into consideration when reaching its decision:

— the comparable income for 1976 fixed in the Letter of 31 January 1976 is, pursuant to the provisions of Article 17 of Law No 153 of

9 May 1975 and the third indent of Article 4 (4) (a) of Directive 72/159/EEC, determined with regard to the period covered by an approved development plan;

— when approving interest rate subsidies to the Ministerial Decrees of 7 November 1975 for farms which are not implementing a development plan, the regions comply with Article 31 of Law No 153 of 9 May 1975, and hence with Article 14 (3) of Directive 72/159/EEC;

Whereas no system of selective incentives for farms within the meaning of the second alternative in Article 2 (2) of Directive 72/159/EEC, whose present structure is such as to jeopardize the maintenance of the earned income at a comparable level has yet been introduced pursuant to Article 25 of Law No 153 of 9 May 1975 in conjunction with the abovementioned Ministerial Decrees of 7 November 1975;

Whereas Article 18 of Law No 153 of 9 May 1975 fixes the investment volume qualifying for assistance on a farm with an approved development plan at Lit 25 million for each man-work unit; whereas, however, Article 8 (2) of Directive 72/159/EEC provides that the interest rate subsidy is not to apply to any part of the loan exceeding 40 908 units of account or Lit 35 million per man-work unit; whereas the aid fixed in Articles 23, 29 and 30 pursuant to Articles 10, 11 and 12 of Directive 72/159/EEC is also too low;

Whereas the abovementioned provisions could be such as to considerably limit the field of application of the system of selective incentives provided for in the Directive, or to limit the effectiveness of the aids provided for in the Directive, and this could in the long run jeopardize the attainment of the objectives of Directive 72/159/EEC; whereas it is therefore necessary to bring the abovementioned provisions within the suitable period of 15 months into line with the provisions of the Directive;

Whereas, however, in view of the above decision that the proposed measures all make provision for the introduction of a system of selective incentives within the meaning of Directive 72/159/EEC, the provisions for implementing Directive 72/159/EEC may already be considered to satisfy the conditions for financial contribution by the Community, at least for the abovementioned period;

Whereas, however, the above decision cannot become effective until the Council, pursuant to the second subparagraph of Article 8 (2) of Directive 72/159/

EEC, has authorized Italy to grant the aid mentioned in Article 18 of Law No 153 of 9 May 1975 and the Ministerial Decree of 7 November 1975 concerning Law No 153;

Whereas the basic aim of Directive 72/160/EEC is to make sufficient vacant land available for the creation of farms of suitable size and structure as specified in Article 4 of Council Directive 72/159/EEC on the modernization of farms;

Whereas to that end the Member States are therefore required:

- under Article 2 (1) (a) of Directive 72/160/EEC to grant annuities to farmers aged between 55 and 65 practising farming as their main occupation who leave agriculture;
- under Article 2 (1) (b) of Directive 72/160/EEC to grant farmers a premium, which is not to be eligible for assistance and is 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 permanently hired or family workers aged between 55 and 65 who are employed on farms where the farmer benefits from any measure provided for in Article 2 (1) (a) or (b) of the Directive;

Whereas the grant of an annuity or premium is subject to the condition that the recipients cease working in agriculture and, if the recipient is a farmer, that he either sells or leases at least 85 % of his land to farms which are undergoing modernization pursuant to Directive 72/159/EEC, withdraws it from agricultural use, or sells or leases it to a land agency which must put the land to one of the abovementioned uses;

Whereas Member States may, on the ground of the age/or means of the prospective beneficiary, vary the amount of an annuity or premium or refuse to grant the same; whereas they may reduce the annuity granted to permanently hired or family workers by the amount of any unemployment benefit which the beneficiary receives;

Whereas Articles 32 to 47 of Law No 153 of 9 May 1975 are consistent with the aim of Directive 72/160/EEC;

Whereas the basic aim of Title I of Directive 72/161/EEC is to enable those engaged in agriculture, and in particular persons who must fundamentally alter the nature of their activity, to take decisions on

their future occupations and those of their children with full knowledge of the opportunities available and of the consequences of their choice;

Whereas to that end the Member States are therefore required:

- under Articles 2 (1) and 3 of Directive 72/161/EEC to create and develop services providing socio-economic guidance, such services being either public or expressly appointed and approved for that purpose by the Member States, or to create and develop within services already existing departments for the provision of such guidance;
- under Articles 2 (2) and 4 to introduce appropriate basic and advanced training programmes for socio-economic counsellors and to bear the cost of training such counsellors;

Whereas under the first indent of Article 12 (2) of Directive 72/161/EEC, the Guidance Section of the EAGGF refunds to Member States 25 % of a standard amount of 7 500 units of account in respect of each counsellor providing socio-economic guidance, within the meaning of Article 3 of the Directive, beginning his duties for the first time;

Whereas under the second indent of Article 12 (2) of Directive 72/161/EEC, the Guidance Section of the EAGGF refunds to Member States 25 % of the cost of training, within the meaning of Article 4 of the Directive, up to an overall amount of 4 500 units of account for each counsellor trained to provide socio-economic guidance within the meaning of Article 3 of the Directive;

Whereas the measures provided for in Articles 48 to 54 of Law No 153 of 9 May 1975 are consistent with the aim of Title I of Directive 72/161/EEC;

Whereas the basic aim of Title II of Directive 72/161/EEC is to give persons aged 18 or over engaged on agriculture the opportunity to acquire new agricultural skills, or to improve those which they already possess, so that they are in a position to integrate into modern agriculture;

Whereas to that end the Member States are therefore required under Articles 5 (1) and 6 (1) of Directive 72/161/EEC to introduce, in addition to the normal agricultural training provided in their country, measures designed to give farmers and hired and

family agricultural workers further training of a general, technical and economic nature;

Whereas under the third indent of Article 12 (2) of Directive 72/161/EEC, the Guidance Section of the EAGGF refunds to Member States 25 % of the expenditure incurred in respect of such measures, up to a maximum of 1 500 units of account for each person engaged in agriculture having completed a course of basic or advanced vocational training;

Whereas the measures provided for in Articles 55 to 61 of Law No 153 of 9 May 1975 are consistent with aim of Title II of Directive 72/161/EEC;

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

1. Articles 11 to 31 of Law No 153 of 9 May 1975, notified by the Government of Italy, the Ministerial Decrees of 7 November 1975 and the Circulars of the Ministry of Agriculture and Forestry listed in the preamble, satisfy the conditions for financial contribution by the Community to the common measures referred to in Article 15 of Directive

72/159/EEC, subject to authorization from the Council pursuant to the second subparagraph of Article 8 (2) of that Directive.

2. Articles 32 to 47 of Law 153 of 9 May 1975, notified by the Government of Italy, satisfy the conditions for financial contribution by the Community to the common measures referred to in Article 6 of Directive 72/160/EEC.

3. The decisions contained in the above paragraphs shall be valid until 30 June 1977.

Article 2

Articles 48 to 61 of Law No 153 of 9 May 1975, notified by the Government of Italy, satisfy the conditions for financial contribution by the Community to the common measures referred to in Article 8 of Directive 72/161/EEC.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 April 1976.

For the Community

P. J. LARDINOIS

Member of the Commission

COMMISSION DECISION

of 13 April 1976

concerning the prolongation of farm development plans in certain regions of Italy pursuant to Article 4 (6) of Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms

(Only the Italian text is authentic)

(76/481/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard 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 4 (6) thereof,

Whereas under Article 4 (6) of the Directive, Member States may be authorized to specify longer periods than six years for farm development plans in certain areas;

Whereas the Government of Italy has applied for authorization, pursuant to Article 4 (6) of Directive 72/159/EEC, to specify periods of up to nine years for development plans in the Mezzogiorno and the depressed areas of North and Central Italy, including the mountain areas of those regions;

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 Government of Italy is hereby authorized to specify a maximum period of nine years for farm development plans in the Mezzogiorno and the depressed areas of North and Central Italy, including the mountain areas of those regions.

Article 2

This authorization shall be restricted to farm development plans submitted in 1976 and 1977.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 4.

COMMISSION DECISION

of 21 April 1976

on the implementation of the reform of agricultural structures in the United Kingdom
pursuant to Directive 72/159/EEC

(Only the English text is authentic)

(76/482/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Economic Community,

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

Whereas on 14 January 1976 the Government of the
United Kingdom notified certain provisions re-
determining for 1976 the comparable earned income
and indicating its rate of growth;

Whereas Article 18 (3) of Directive 72/159/EEC
requires the Commission to determine whether,
having regard to the abovementioned provisions, the
existing provisions for the implementation in the
United Kingdom of Directive 72/159/EEC, which
form the subject of Commission Decisions 75/5/EEC
of 27 November 1974 ⁽²⁾ and 75/434/EEC of 8 July
1975 ⁽³⁾ on the reform of agricultural structures in
the United Kingdom pursuant to Directive 72/159/
EEC, continue to satisfy the conditions for financial
contribution by the Community to common measures
within the meaning of Article 15 of Directive 72/159/
EEC;

Whereas the comparable income for 1976 and its
rate of increase as indicated in the abovementioned
provisions correspond to the objectives of Article 4
of Directive 72/159/EEC;

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 provisions for the implementation of Directive
72/159/EEC, as notified by the Government of the
United Kingdom on 22 May 1974, as now applicable
in the light of the provisions notified on 14 January
1976 specifying the comparable income for 1976 and
indicating its rate of growth, continue to satisfy the
conditions for financial contribution by the Com-
munity to common measures within the meaning of
Article 15 of Directive 72/159/EEC.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 21 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 2, 4. 1. 1975, p. 27.

⁽³⁾ OJ No L 192, 24. 7. 1975, p. 31.

COMMISSION DECISION

of 21 April 1976

on the implementation of the reform of agricultural structures in the Netherlands
pursuant to Directive 72/159/EEC

(Only the Dutch text is authentic)

(76/483/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 on
the modernization of farms ⁽¹⁾, and in particular
Article 18 (3) thereof,

Whereas on 1 March 1976 the Government of the
Netherlands notified, pursuant to Article 17 (4) of
Directive 72/159/EEC, Decision No 151 of the Board
of the Foundation for the Administration of the
Agricultural Development and Reorganization Fund
of 15 January 1976 amending the Decision on farms
suitable for development;

Whereas Article 18 (3) of Directive 72/159/EEC
requires the Commission to determine whether,
having regard to the abovementioned provision, the
existing provisions for the implementation in the
Netherlands of Directive 72/159/EEC, which form
the subject of Commission Decisions 75/7/EEC ⁽²⁾
and 75/645/EEC ⁽³⁾, continue to satisfy the condi-
tions for financial contribution by the Community to
the common measures within the meaning of
Article 15 of Directive 72/159/EEC;

Whereas the subject of the abovementioned Decision
is the re-determination of the comparable income for
1976 under Article 4 of Directive 72/159/EEC;
whereas the sum of Fl 23 700 determined, is only
2.2 % higher than the minimum comparable income
which could have been fixed in 1975 and still have
met the requirements of Article 4 of Directive
72/159/EEC;

Whereas, bearing in mind the present wage freeze in
the Netherlands and the adjustment of the

comparable income before 1 July 1976 provided for
in Article II of the Decision, the sum of Fl 23 700 for
the period up to 1 July 1976 may be considered as
still meeting the requirements of Article 4 of Directive
72/159/EEC;

Whereas the measures provided for are in accordance
with the opinion of the Standing Committee on
Agricultural Structures,

HAS ADOPTED THIS DECISION:

Article 1

1. Having regard to Decision No 151 of the Board
of the Foundation for the Administration of the
Agricultural Development and Reorganization Fund
of 15 January 1976, which was notified on 1 March
1976, the provisions for the implementation of
Directive 72/159/EEC in the Netherlands, continue
to satisfy the conditions for financial contribution by
the Community to the common measures within the
meaning of Article 15 of Directive 72/159/EEC.

2. The provisions of the preceding paragraph shall
apply until 30 June 1976.

Article 2

This Decision is addressed to the Kingdom of the
Netherlands.

Done at Brussels, 21 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 2, 4. 1. 1975, p. 32.

⁽³⁾ OJ No L 286, 5. 11. 1975, p. 19.

COMMISSION DECISION

of 21 April 1976

on the reform of agricultural structures in the Netherlands pursuant to Directive
72/160/EEC of 17 April 1972

(Only the Dutch text is authentic)

(76/484/EEC)

THE COMMISSION OF EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 purposes of structural improvement⁽¹⁾, and in particular Article 9 (3) thereof,

Whereas on 22 January 1976 the Government of the Netherlands notified, pursuant to Article 8 (4) of Directive 72/160/EEC, Decision No 149 of the Board of the Foundation administering the Agricultural Development and Reorganization Fund of 4 December 1975 amending the provisions governing the cessation of farming;

Whereas under Article 9 (3) of Directive 72/160/EEC the Commission has to decide whether, having regard to the abovementioned Decision No 149, the provisions governing the implementation in the Netherlands of Directive 72/160/EEC, which form the subject of Commission Decisions 74/257/EEC of 18 April 1974⁽²⁾, 75/7/EEC of 27 November 1974⁽³⁾ and 75/645/EEC of 17 October 1975⁽⁴⁾, continue to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 6 of Directive 72/160/EEC;

Whereas the amendments provided for in the abovementioned Decision No 149 to the existing rules governing the cessation of farming are consistent with the objectives and provisions of Directive 72/160/EEC;

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

Having regard to the amendments contained in Decision No 149 of the Board of the Foundation administering the Agricultural Development and Reorganization Fund of 4 December 1975, the provisions implementing Directive 72/160/EEC in the Netherlands continue to satisfy the conditions for financial contribution by the Community to common measures within the meaning of Article 6 of Directive 72/160/EEC.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 21 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 9.

⁽²⁾ OJ No L 141, 24. 5. 1974, p. 4.

⁽³⁾ OJ No L 2, 4. 1. 1975, p. 32.

⁽⁴⁾ OJ No L 286, 5. 11. 1975, p. 19.

COMMISSION DECISION

of 21 April 1976

on the implementation of the reform of agricultural structures in Belgium pursuant to
Directive 72/160/EEC of 17 April 1972

(Only the French and Dutch texts are authentic)

(76/485/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Community,

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 purposes of structural
improvement⁽¹⁾, and in particular Article 9 (3)
thereof,

Whereas on 9 September 1975 and 15 January 1976
the Belgian Government notified, pursuant to
Article 8 (4) of Directive 72/160/EEC, the following
provisions:

- the Law of 3 June 1975 amending the Law of
3 May 1971 on the reorganization of agriculture
and horticulture;
- the Royal Decree of 14 November 1975 laying
down certain measures for the implementation of
the Law of 3 May 1971 on the reorganization of
agriculture and horticulture;

Whereas Article 9 (3) of Directive 72/160/EEC
requires the Commission to determine whether,
having regard to the above instruments, the existing
provisions for the implementation in Belgium, of the
said Directive, which form the subject of Commission
Decision 75/6/EEC of 27 November 1974 on the
reform of agricultural structures in Belgium pursuant
to Directives 72/159/EEC and 72/160/EEC⁽²⁾,
continue to satisfy the conditions for financial
contribution by the Community to common measures
within the meaning of Article 6 of Directive 72/160/
EEC;

Whereas the amendments contained in the Law of
3 June 1975 and the Royal Decree of 14 November
1975 to the provisions implementing Directive

72/160/EEC comply with the objectives and require-
ments of that Directive;

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

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

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Law of 3 May 1971 on the
reorganization of agriculture and horticulture,
notified on 9 September 1975, and the Royal Decree
of 14 November 1975 laying down certain measures
for the implementation of the said Law of 3 May
1971, notified on 15 January 1976, the existing pro-
visions for the implementation in Belgium of Directive
72/160/EEC continue to satisfy the conditions for
financial contribution by the Community to common
measures within the meaning of Article 6 of Directive
72/160/EEC.

Article 2

This Decision is addressed to the Kingdom of
Belgium.

Done at Brussels, 21 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 9.

⁽²⁾ OJ No L 2, 4. 1. 1975, p. 30.

COMMISSION DECISION

of 21 April 1976

on the implementation of the reform of agricultural structures in the United Kingdom
pursuant to Title II of Directive 75/268/EEC of 28 April 1975

(Only the English text is authentic)

(76/486/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean 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 23 January 1976 the Government of the
United Kingdom notified, pursuant to Article 13 of
Directive 75/268/EEC in conjunction with Article 17
(4) of Directive 72/159/EEC, the Hill Livestock
(compensatory allowances) Regulation 1975 of
18 December 1975;

Whereas this Regulation provides for the granting of
subsidies on breeding cows and sheep maintained in
the less-favoured areas listed in Directive 75/276/
EEC;

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

Whereas the basic 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 therefore authorizes
the 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 goat farming 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; 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 the compensatory allowances;

Whereas the abovementioned Regulation is
consistent with the aims and conditions of Directive
75/268/EEC;

Whereas the EAGGF Committee had 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,

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 96, 23. 4. 1972, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The Hill Livestock (compensatory allowances) Regulation 1975, notified by the Government of the United Kingdom on 23 January 1976, satisfies the conditions for a 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 is addressed to the United Kingdom.

Done at Brussels, 21 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission
