

## COMMISSION DECISION

of 3 December 1976

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

(Only the French text is authentic)

(76/947/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, 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<sup>(2)</sup>, and in  
particular Article 13 thereof,

Whereas on 9 June 1976 the French Government  
notified, pursuant to Article 13 of Directive 75/268/  
EEC in conjunction with Article 17 (4) of Directive  
72/159/EEC, Decree No 74-134 of 20 February 1974  
introducing a special mountain allowance for  
farmers in mountain and hill areas who practise  
farming as their main occupation;

Whereas the French Government announced at the  
same time that the system of aid set up by the above  
decree would continue to be valid only for 1976 and  
would be replaced by a new system with effect from  
1977;

Whereas Article 18 (3) of Directive 72/159/EEC and  
Article 13 of Directive 75/268/EEC require the  
Commission to decide whether, having regard to the  
compatibility of the decree notified with Directive  
75/268/EEC and taking into account the objectives  
of that Directive and the need for a proper  
connection between the various measures, the  
conditions for a financial contribution by the  
Community are satisfied;

Whereas it is a basic aim of Directive 75/268/EEC to  
ensure the continuation of farming in the less-  
favoured areas determined by the Council thus  
maintaining a minimum population level or  
conserving the countryside;

Whereas Directive 75/268/EEC therefore authorizes  
the Member States to introduce a system of aid to  
encourage farming and raise farm incomes in those  
areas;

Whereas this aid may take the form of a  
compensatory allowance for the permanent natural  
handicaps, paid to farmers who undertake to pursue  
a farming activity in accordance with the aims of the  
Directive for at least five more years; whereas in the  
case of cattle, sheep and goat farming the allowance  
is calculated in relation to livestock numbers and  
may not exceed 52.50 units of account per livestock  
unit and 52.50 units of account per hectare of forage  
area with a minimum of 16 units of account per  
livestock unit; whereas Directive 75/268/EEC  
contains a table for converting cattle, sheep or goats  
into livestock units;

Whereas, in addition to the conditions laid down in  
Articles 6 and 7 of the Directive, the Member States  
may fix supplementary conditions or restrictions  
regarding the granting of the compensatory  
allowance;

Whereas the abovementioned decree provides for an  
allowance of FF 200 per livestock unit, whereby in  
the field of cattle raising a cow which has calved  
counts as one livestock unit and all other cattle over  
one year old as 0.5 livestock unit; whereas no  
allowance is paid for young animals less than a year  
old;

Whereas this deviation from the conversion table for  
expressing cattle, sheep and goats as livestock units,  
as laid down in Article 7 (1) of Directive 75/268/EEC  
in conjunction with the Annex thereto, which  
essentially means that preference is given to dairy  
farms, cannot yet be held to endanger the objectives  
of the Directives especially as in all other cases the  
allowance granted — even when the conversion table  
is used — still lies above the minimum figure of

<sup>(1)</sup> OJ No L 96, 23. 4. 1972, p. 1.

<sup>(2)</sup> OJ No L 128, 19. 5. 1975, p. 1.

16 units of account per livestock unit and the communication from the French Government ensures that this formula will be amended in future years so as to comply fully with the provisions of the Directives;

Whereas, taken as a whole, Decree No 74-134 therefore meets the requirements of Directive 75/268/EEC and in particular the objective of maintaining a minimum population level;

Whereas since the above measure is to apply only in 1975 and 1976 in its present form the Decision should be limited to this period;

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. Decree No 74-134 introducing a special mountain allowance for farmers in mountain and hill areas who practise farming as their main occupation, notified by the French Government on 9 June 1976, satisfies the conditions for financial contribution by the Community to common measures as referred to in Article 13 of Directive 75/268/EEC and Article 15 of Directive 72/159/EEC.

2. Financial participation by the Community applies to payments arising from the granting of the allowance provided for in Decree No 74-134 in 1975 and 1976.

*Article 2*

This Decision is addressed to France.

Done at Brussels, 3 December 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*