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COUNCIL DIRECTIVE

of 14 July 1986

concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC

(Germany)

(86/465/EEC)

(OJ L 273, 24.9.1986, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 89/586/EEC of 23 October 1989	L 330	1	15.11.1989
►**M2**	Commission Decision 91/26/EEC of 18 December 1990	L 16	27	22.1.1991
►**M3**	Council Directive 92/92/EEC of 9 November 1992	L 338	1	23.11.1992
►**M4**	amended by Commission Decision 93/226/EEC of 22 April 1993	L 99	1	26.4.1993
►**M5**	amended by Commission Decision 97/172/EC of 10 February 1997	L 72	1	13.3.1997
►**M6**	amended by Commission Decision 95/6/EC of 13 January 1995	L 11	26	17.1.1995

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concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC

(Germany)

(86/465/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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]), as last amended by Regulation (EEC) No 797/85 ([2]), and in particular Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ([3]),

Whereas Council Directive 75/270/EEC of 28 April 1975 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC ([4]) listed the areas of the Federal Republic of Germany designated as less-favoured within the meaning of Article 3 (3), (4) and (5) of Directive 75/268/EEC;

Whereas the Government of the Federal Republic of Germany has, pursuant to Article 2 (1) of Directive 75/268/EEC, asked the Commission for an extension of the Community list of less-favoured farming areas within the meaning of Article 3 (4) of Directive 75/268/EEC on the basis of a new definition of criteria for delimiting less-favoured areas and of a transfer of areas previously classified under Article 3 (5) of the said Directive which are an integral part of these homogeneous areas in the extended list; whereas it has also requested an extension of the list of small areas affected by specific handicaps as referred to in Article 3 (5) of the said Directive;

Whereas the Government of the Federal Republic of Germany has, pursuant to Article 2 (1) of Directive 75/268/EEC, communicated to the Commission details of the areas suitable for inclusion in the Community list of less-favoured farming areas, together with relevant information concerning the characteristics of those areas;

Whereas the indices of very difficult climatic conditions, as referred to in the first indent of Article 3 (3) of Directive 75/268/EEC and a minimum altitude of 800 metres (at the central point of the district or the average altitude of the commune), have been selected;

Whereas, where there is a combination of the climatic factor and the steep slope factor, as referred to in the third indent of Article 3 (3) of Directive 75/268/EEC, a minimum altitude of 600 metres and, at the same time, a slope of at least 18 % have been selected;

Whereas, in cases involving the presence of infertile land and economic results of farming appreciably lower than the mean, as referred to in Article 3 (4) (a) and (b) of Directive 75/268/EEC, the areas have been defined by using a complex index: ‘the agricultural comparability index’ (Landwirtschaftliche Vergleichszahl, LVZ), which is used by the tax authorities to indicate the economic results of holdings; whereas this index is based on natural productivity (soil quality and climatic conditions) the value of which is adjusted using factors such as heterogeneity of the land, natural drainage conditions, etc., including production conditions other than natural ones;

([1]) OJ No L 128, 19. 5. 1975, p. 1.
([2]) OJ No L 93, 30. 3. 1985, p. 1.
([3]) OJ No C 227, 8. 9. 1986, p. 153.
([4]) OJ No L 128, 19. 5. 1975, p. 10.

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Whereas the maximum value of the abovementioned average index for each area has been fixed at 28 for the less-favoured farming areas, a figure which corresponds to 70 % of the national average index (40) (with the exception of two areas which have values of 29,1 and 29,2); whereas, in special cases, the average index has been fixed at 32,5 in less-favoured farming areas where permanent meadow and pasture covers more than 80 % of the utilized agricultural area (UAA);

Whereas, for areas with a low population density, as referred to in Article 3 (4) (c) of Directive 75/268/EEC, the index used has the relatively high level of 130 inhabitants per square kilometre (excluding, in one case, the population of urban and industrial centres); whereas, nevertheless, this is about half the national average (247); whereas this is a reflection of the situation in a densely populated Member State with a very high level of delocalization of the secondary and tertiary sectors which has endowed its regions with a high degree of infrastructure and services; whereas, to be economic, such infrastructure and services require a relatively high population density; whereas, moreover, the minimum proportion of the working population engaged in agriculture as a percentage of the total working population has been fixed at 15 % (with the exception of two areas, where it is 7,7 and 12,1 %), whereas the national average is 5,1 %;

Whereas, for the definition of the areas affected by specific handicaps which may be included among the less-favoured areas referred to in Article 3 (5) of Directive 75/268/EEC, the index used is the occurrence of unfavourable natural production conditions (LVZ generally below 25) and of handicaps resulting from the contraints of coastal protection and the preservation of the countryside; whereas, moreover, their total combined area does not exceed 4 % of the area of the Member State concerned;

Whereas the nature and level of the abovementioned indices used by the Government of the Federal Republic of Germany to define the three types of area notified to the Commission correspond respectively to the characteristics of the mountain areas, less-favoured areas and the areas affected by specific handicaps referred to in Article 3 (3), (4) and (5) of Directive 75/268/EEC;

Whereas, according to the information supplied by the Member State concerned, there areas have adequate infrastructures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The areas of the Federal Republic of Germany, details of which appear in the Annex, shall be included in the Community list of less-favoured farming areas within the meaning of Article 3 (3), (4) and (5) of Directive 75/268/EEC.

Article 2

Directive 75/270/EEC is hereby repealed.

Article 3

This Directive is addressed to the Federal Republic of Germany.

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ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

BENACHTEILIGTE GEBIETE IN DER BUNDESREPUBLIK DEUTSCHLAND

— GEBIETSVERZEICHNIS —

Schleswig-Holstein

Benachteiligte Agrarzone

Kleines Gebiet

Hamburg

Kleines Gebiet

Niedersachsen

Benachteiligte Agrarzone

Kleines Gebiet

Bremen

Benachteiligte Agrarzone

Nordrhein-Westfalen

Berggebiet

Benachteiligte Agrarzone

Hessen

Benachteiligte Agrarzone

Rheinland-Pfalz

Benachteiligte Agrarzone

Kleines Gebiet

Baden-Württemberg

Berggebiet

Benachteiligte Agrarzone

Kleines Gebiet

Bayern

Berggebiet

Benachteiligte Agrarzone

Saarland

Benachteiligte Agrarzone

Kleines Gebiet

Berlin

Kleines Gebiet

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SCHLESWIG-HOLSTEIN

BENACHTEILIGTE AGRARZONE

001 Flensburg, Kreisfreie Stadt

Gemeinde mit Teilflächen

000	*Flensburg*	mit Gemarkung Flensburg Flur W 43 bis W 45 Flur X 40 bis X 45 Flur Y 39 bis Y 46 Flur Z 38 bis Z 47 Flur A 38 bis A 47 Flur B 38 bis B 47 Flur C 38 bis C 48, C 52 Flur D 38 bis D 43, D 52/D 53 Flur E 38 bis E 42 Flur F 38 bis F 41 Flur G 38, G 39

004 Neumünster, Kreisfreie Stadt

Gemeinden

000	*Neumünster*

051 Kreis Ditmarschen

Gemeinden

001	Albersdorf
002	Arkebek
003	*Averlak*
004	Bargenstedt
005	Barkenholm
008	Bergewöhrden
010	Brickeln
012	Buchholz
015	Bunsch
016	Burg (Dithmarschen)
019	Dellstedt
020	Delve
023	Dörpling
026	Eggstedt
030	Fedderingen
032	Frestedt
035	Gaushorn
036	Glüsing
037	Großenrade
039	Gudendorf
040	Hagen
044	Heide, Stadt
048	Hemmingstedt
049	Hennstedt
051	Hochdonn