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COUNCIL DIRECTIVE

of 25 July 1967

concerning the freedom of nationals of a Member State established as farmers in another Member State to transfer from one holding to another

(67/530/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (2) and (3) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment,[1] and in particular Title IV F 3 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[2];

Having regard to the Opinion of the Economic and Social Committee[3];

Whereas the General Programme for the Abolition of Restrictions on Freedom of Establishment includes a special timetable for the attainment of such freedom in agriculture, which takes into account the particular nature of agricultural activities; whereas the third series of measures provided for in this timetable entails that, at the beginning of the third year of the second stage, each Member State shall procure to farmers who have resided in that Member State for more than two years but who are nationals of another Member State the right to transfer from one holding to another;

Whereas the right of transfer which is the subject of this Directive is independent of the legal form under which the holding is exploited; whereas the effect of such transfer must not be to reduce the rights of the person concerned with regard to his status as a foreign national;

Whereas beneficiaries under the Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment in agriculture in the territory of a Member State in respect of nationals of other countries of the Community who have been employed as paid agricultural workers in that Member State for a continuous period of two years (63/261/EEC)[4] already enjoy the same treatment as nationals of such Member State with regard to the right to transfer from one holding to another;

Whereas, where a definition of an agricultural holding is required for the purpose of implementing this Directive, such definition is a matter for the Member State concerned;

Whereas, in Article 4 (2) of the Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment on holdings abandoned or left uncultivated for more than two years (63/262/EEC),[5] the granting of the right of transfer was expressly deferred pending implementation of the present Directive;

HAS ADOPTED THIS DIRECTIVE:

Article 1

All Member States, acting in accordance with the following provisions, shall abolish in respect of nationals and companies or firms of other Member States having pursued in their territory activities as self-employed persons in agriculture for more than two years (hereinafter called 'beneficiaries') all restrictions the effect of which is to exclude or limit their right to transfer from one holding to another.

Article 2

1. For the purposes of this Directive, the 'right to transfer' means the right of beneficiaries to move freely, under the same conditions as nationals of the State concerned, from one holding to another holding

[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 23, 5.2.1966, p. 386/66.
[3] OJ No 146, 23.8.1965, p. 2465/65.
[4] OJ No 62, 20.4.1963, p. 1323/63.
[5] OJ No 62, 20.4.1963, p. 1326/63.