1326/63 OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 20.4.63

COUNCIL DIRECTIVE

of 2 April 1963

laying down detailed provisions for the attainment of freedom of establishment on agricultural holdings abandoned or left uncultivated for more than two years

(63/262/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

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 1 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;

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 account of the particular nature of agricultural activities; whereas the first measure provided for in this timetable is the immediate abolition of all restrictions on freedom of establishment on agricultural holdings abandoned or left uncultivated for more than two years; whereas restrictions on the right to transfer from one holding to another are however to remain;

Whereas, in order to ensure that this Directive is correctly applied, it is necessary to define what is meant by an agricultural holding abandoned or left uncultivated for more than two years;

Whereas, in view of the fact that the timetable in the General Programme provides for the abolition of restrictions on freedom of establishment in respect of agricultural activities to take place by stages, persons covered by this Directive should be given a document certifying the extent of the rights they enjoy in the host country;

Whereas the conditions of establishment must not be distorted by aids granted by the Member State of departure; whereas the special assistance already frequently given towards preparation for and achievement of establishment should not be regarded as constituting such an aid;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States, acting in accordance with the following provisions, shall abolish all restrictions on the right of the persons specified under Title I of the General Programme for the abolition of restrictions on freedom of establishment (hereinafter called 'beneficiaries under this Directive') to take up and pursue agricultural activities as self-employed persons on agricultural holdings abandoned or left uncultivated for more than two years.

Article 2

For the purposes of this Directive, 'agricultural holding abandoned or left uncultivated for more than two years' means any cultivable plot of land, or group of cultivable plots of land, which has lain fallow for more than two years and which satisfies the requirements applicable to nationals of the Member State in question, particularly with regard to the minimum area for agricultural holdings.

This definition does not include ground which is lying fallow under a system of crop rotation.

[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 134, 14.12.1962, p. 2864/62.