

**Proposal for a Council directive concerning application  
by the Member States of their legislation on agricultural leases  
to farmers who are nationals of other Member States**

(submitted by the Commission to the Council on 21 January 1965)

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EXECUTIVE SECRETARIAT OF THE COMMISSION  
OF THE EUROPEAN ECONOMIC COMMUNITY

**Proposal for a Council directive concerning application  
by the Member States of their legislation on agricultural leases  
to farmers who are nationals of other Member States**

(submitted by the Commission to the Council on 21 January 1965)

*The Council of the European Economic Community,*

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

*Having regard to the General Programme for abolishing restrictions on freedom of establishment<sup>(1)</sup>, with particular reference to Title IV, F, 3 of that Programme;*

*Having regard to the proposal of the Commission;*

*Having regard to the opinion of the European Parliament;*

*Having regard to the opinion of the Economic and Social Committee;*

*Whereas the General Programme for abolishing restrictions on freedom of establishment includes, as regards attaining the said freedom in the agricultural sector, a special time-table taking due account of the features peculiar to agricultural activity; whereas the third series of measures under this time-table includes the provision that each Member State shall, at the beginning of the third year of the second stage, adjust its system of agricultural leases so that the relevant legislation shall apply to farmers who are nationals of other Member States and are farming under the said system in the same way as it applies to farmers who are nationals of the country concerned;*

*Whereas the present directive does not apply to beneficiaries of Council Directives Nos. 63/261 and 63/262 dated 2 April 1963<sup>(2)</sup>, who already enjoy equality of treatment with nationals as regards the system of agricultural leases;*

*Whereas Title III, A of the General Programme includes among the restrictions to be abolished any provisions or practices which, in respect of foreigners only, prevent, restrict or make subject to conditions the exercise of rights arising out of agricultural leases,*

*Has adopted the following directive:*

*Article 1*

Each Member State shall abolish, in accordance with the provisions laid down hereunder, in respect of nationals and companies of other Member States who are engaged in an agricultural activity in its territory or who are becoming established there for that purpose, hereinafter referred to as beneficiaries, all restrictions relating to the system of agricultural leases.

*Article 2*

1. The present directive shall apply to agricultural leases and to the exercise and enjoyment by farmers of the rights connected therewith, such as the right of pre-emption on the sale of the whole or part of the property which is the subject of such leases.

2. The present directive shall apply to the activities referred to in Schedule V to the General Programme for abolishing restrictions on freedom of establishment (ex Major Group 01, Agriculture, of the International Standard Industrial Classification of All Economic Activities)<sup>(3)</sup>, viz:

*a)* General agriculture: growing of field crops, fruits, nuts, seeds, vegetables, flowers and ornamental plants both in the open and under glass;

*b)* Raising of livestock, poultry, rabbits, fur-bearing or other animals, bees; and the production of meat, milk, wool, hides, skins or furs, eggs, honey.

*Article 3*

1. The member countries shall abolish those restrictions which:

*a)* By statute, regulation or administrative instruction, prevent the beneficiaries of the

<sup>(1)</sup> See official gazette of the European Communities, No. 62, 20 April 1963, pp. 1323 and 1326.

<sup>(2)</sup> Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, Rev. 1 (New York, 1958).

<sup>(1)</sup> See official gazette of the European Communities, No. 2, 15 January 1962, p. 36.

present directive from entering into agricultural leasing agreements, impose special conditions as to the conclusion or execution by them of such agreements, or restrict their enjoyment of the rights and benefits deriving therefrom;

b) Result from administrative practices whereby discriminatory treatment is applied to the said beneficiaries as compared with the treatment accorded to nationals of the country concerned in respect of agricultural leases.

2. Among the restrictions to be abolished, special attention is drawn to provisions which wholly or partly exclude beneficiaries from benefit of the regulations on agricultural leases on equal terms with nationals of the country concerned, viz:

*In France :*

Exclusion of foreign farmers from benefit of the regulations governing agricultural leases (Article 869 of the *Code Rural*);

Exclusion of foreigners from entry on the electoral rolls for the election of assessors to the Joint Tribunals dealing with agricultural leases (Article 4 of Decree No. 58-1293 dated 22 December 1958);

*In Belgium :*

Limitation of the term of the foreign workers' card to two years (Article 2 of the Royal Decree on the professional activities of foreigners dated 16 November 1939).

*Article 4*

The Member States shall introduce the necessary measures to conform with the present directive within six months of notification thereof and shall inform the Commission forthwith of the action taken.

*Article 5*

The present directive is addressed to all Member States.