satisfy, generally, the criteria laid down by the Community in regard to the reform of agricultural structures but which, for the rest, are constituted in accordance with the national law of each Member State.

From that it follows that the said directive contains no specific obligations regarding the provision of judicial remedies in respect of administrative decisions taken in the framework of the national provisions laid down in implementation of it, that matter remaining subject to the national law of each Member State.

In Case 152/79

REFERENCE to the Court under Article 177 of the EEC Treaty by the High Court on Circuit, County of Sligo, Ireland, for a preliminary ruling in the action pending before that court between

KEVIN LEE, Ballisodare, County Sligo,

and

THE MINISTER FOR AGRICULTURE

on the interpretation of Council Directive No 72/159/EEC of 17 April 1972 (Official Journal, English Special Edition, 1972 (II), p. 324) on the modernization of farms,

THE COURT

composed of: H. Kutscher, President, A. O'Keeffe and A. Touffait (Presidents of Chambers), J. Mertens de Wilmars, P. Pescatore, Lord Mackenzie Stuart, G. Bosco, T. Koopmans and O. Due, Judges,

Advocate General: J.-P. Warner
Registrar: A. Van Houtte

gives the following

JUDGMENT

Facts and Issues

The facts of the case, the course of the procedure and the written observations submitted under Article 20 of the Protocol on the Statute of the Court of Justice of the EEC may be summarized as follows:

I — Facts and procedure

(a) The legislative provisions

Under Directive No 72/159, which was supplemented by Directive No 75/268 (Official Journal L 128 of 1975), the Member States are obliged to introduce a system of selective incentives to farms suitable for development, designed to encourage their operation and development under certain conditions (Article 1). Under the directive farms are considered to be suitable for development if the farmer, who, among other conditions, has to practise farming as his main occupation and to possess adequate occupational skill and competence, draws up a plan for the development of the farm (Articles 2 and 4) which must show that, upon its completion, the farm undergoing modernization will be capable of attaining, as a minimum, a level of earned income comparable to that received for non-agricultural work in the region in question.

The other obligations imposed on Member States by the directive include, in particular, the introduction of a system of incentives to encourage the keeping of accounts on farms (Article 11), the grant on request of a launching aid to any recognized group having as its object mutual aid between farms, a more rational common use of agricultural investments or group farming operations (Article 12) and the introduction of systems of aid for irrigation and land reparcelling schemes (Article 13).

Furthermore, limits are set to aids given by Member States beyond those provided by the directive. In some cases the directive provides for a prohibition on certain aids (Article 14).

The directive has been implemented in Ireland by the Farm Modernization Scheme introduced by the Minister for Agriculture and Fisheries on 1 February 1974.

(b) Facts

Kevin Lee, the appellant in the main action, is employed as an office clerk by Ag-Tech Refinery at Ballisodare and is a part-time farmer.

Mr Lee applied to the Minister for Agriculture for a grant of 420 Irish Pounds under the Farm Modernization Scheme and Directive No 72/159 for work done for the installation of a water supply.

The Minister for Agriculture awarded him the sum of only 15 Irish Pounds on the ground that the works carried out by Mr Lee did not relate exclusively to farm development or modernization but

related essentially to the provision of a water supply to a number of building sites intended for the construction of dwelling-houses.

In January 1978 Mr Lee brought proceedings against the Minister for Agriculture in the Circuit Court of the County of Sligo. The Minister for Agriculture there contended that the court did not have jurisdiction to entertain Mr Lee's claim since the Irish Farm Modernization Scheme provides that the decision of the Minister on any matter relating to the scheme or to any works thereunder shall be final (paragraph 12 of Part VII of the Farm Modernization Scheme).

On 28 April 1978 Mr Lee's claim was dismissed by the Circuit Court. He appealed to the High Court on Circuit. By order of 4 April 1979 that court referred to the Court of Justice the following questions for a preliminary ruling:

"1. Does Council Directive No 72/159/EEC, and in particular Articles 13 and 14 thereof, relate exclusively to farm development for agricultural purposes or does it provide also for development of land for the erection of dwelling-houses for occupation by persons other than those actively engaged in farming the land?

2. Is a provision such as that in the Farm Modernization Scheme introduced by the Minister for Agriculture of Ireland on 1 February 1974 to the effect that 'the decision of the Minister on any matter relating to the scheme or to any works thereunder shall be final' contrary to the provisions of Council Directive No 72/159/EEC?"

The order making the reference was registered at the Court on 1 October 1979.

By order of the First Chamber of 23 January 1980, the Court, in pursuance of Article 104 (3) of the Rules of Procedure, decided to grant, as legal aid, assistance for the purpose of facilitating the representation of the appellant in the main action.

In accordance with Article 20 of the Protocol on the Statute of the Court of Justice of the EEC written observations were submitted on behalf of Mr Lee, the appellant in the main action, represented by Mary Robinson, Barrister at Law, instructed by Adrian P. Bourke & Co., Solicitors, by the Minister for Agriculture of Ireland, respondent in the main action, represented by Louis J. Dockery, Chief State Solicitor, acting as Agent, assisted by Harold A. Whelehan, Barrister at Law, and by the Commission of the European Communities, represented by Hendrik Bronkhorst and Mary Minch, Members of the Legal Department of the Commission, acting as Agents.

After hearing the report of the Judge-Rapporteur and the views of the Advocate General the Court decided to open the oral procedure without any preparatory inquiry.

II — Summary of the written observations submitted to the Court

Facts

Kevin Lee, the appellant in the main action, sets forth at the outset his contentions in regard to the facts of the case.

In 1972 he purchased a small farm consisting of two parts, one of 11 acres and the other of 4 acres. The present dispute is concerned with the 4-acre portion.

Mr Lee claims that the application for a water supply grant for the four-acre portion was made at or about the same time as the application for a land reclamation grant covering the two portions of his farm. He claims that when the Department of Agriculture denied any knowledge of the original claim he re-applied on 9 May 1976 and he submitted in evidence a copy of his letter to that effect.

The work of reclaiming the land on the two portions and installing the water supply on the four-acre portion was carried out during 1975. Mr Lee bored for water and found a supply at 280 ft. He submitted receipts to the Department of Agriculture showing that the total cost of boring for water and installing an underground pipeline to a drinking trough to be used by cattle on the land was approximately 1 400 Irish Pounds. Mr Lee applied for 30% of this total cost as a water supply grant under the scheme, and this formed the basis of his action in the Circuit Court for 420 Irish Pounds.

At the time when Mr Lee bored for water, installed a pump and pipeline to the trough on his land, he also installed a tank on his land to act as a reservoir for a water supply, and inserted a T-junction off the main supply to the trough. Mr Lee did this because he had applied for outline planning permission for two sites for private dwellings on the four-acre portion and he wanted to sell the sites as serviced sites with a water supply. Mr Lee sold the two sites and obtained planning permission for a third site. The three sites are located together and form in total approximately one and a half acres of the four-acre portion. The remainder of the portion is used for agricultural purposes, including the grazing of cattle, and the cattle have access to water at the water trough installed for that purpose. Mr Lee submitted in evidence that he required and applied for the water installation grant because he needed a water supply to his agricultural land on this four-acre portion without which it could not be used to graze cattle. He further submitted that the cost of the reservoir and T-junction creating a water supply for the private dwellings was borne by him and is not included in the invoices submitted in support of his claim for a proportion of the cost of installing a water supply.

On 17 August 1977 Mr Lee received approval under the scheme from the Department of Agriculture for a sum of 15 Irish Pounds being a proportion of the cost of extending the underground pipeline from the western edge of the plot and of the cost of installing the drinking trough. The grant approved did not extend to the cost of boring for the original water supply and installing a pump, and was consequently rejected by Mr Lee as being totally inadequate for the work which he had carried out and which he maintained was essential for the provision of a water supply to the agricultural portion of his land. Subsequently the Department of Agriculture increased the amount offered from 15

Irish Pounds to 26 Irish Pounds but it maintained that the major portion of the work carried out had been executed for the purpose of supplying water to sites for dwelling-houses.

The *Minister for Agriculture*, the respondent, gives certain information on the background to the proceedings which, so far as he is aware, relates to matters which are not in dispute.

— Mr Lee applied for planning permission in November 1974 for the erection of three separate dwellings on the said four-acre portion of his land.

— He obtained that planning permission in February 1975, and has since sold two of the sites, on which dwellings now exist.

— In February 1975 Mr Lee applied to his local Chief Agricultural Officer to join the Farm Modernization Scheme. He was accepted into this scheme and classified as a farmer to whom Article 14 (2) (a) of Directive No 72/159 applied.

— The correctness of that classification is not in dispute in these proceedings. Mr Lee thereby became entitled to apply for a grant under Part IV of the Farm Modernization Scheme under which the Minister for Agriculture, as a voluntary measure taken pursuant to Article 14 (2) (a) of Directive No 72/159, provided for the granting of certain aids to farmers who were not eligible for the incentives available under the mandatory provisions of the Directive. Mr Lee is not a full-time farmer and derives a significant proportion of his income from other occupations.

— Following the admission of the appellant into the scheme, he applied to the Minister for a grant in respect of reclamation work on both parcels of his land; he also made two separate applications, the first of which was not proceeded with and was replaced by the second, for a grant in respect of a farm water supply to his four-acre parcel of lands. The latter application has given rise to these proceedings. It is to be noted that it was made after Mr Lee had obtained planning permission for the erection of dwelling-houses.

— Except for that part of the appellant's claim for a grant in respect of the water supply to his four-acre parcel of land which related to the extension of the water supply to his grazing lands and to the provision of a water trough, that application was refused on the ground that the work carried out by Mr Lee in providing a water supply on the lands served domestic purposes not related to agriculture, namely the provision of a water supply to service the sites for three separate dwelling-houses to be sold by him. At least two of these sites have since been sold and dwelling-houses have been erected on them by persons not engaged in farming Mr Lee's land.

— It is the fact that the water supply in respect of which Mr Lee claims a grant under the Farm Modernization Scheme is being used to service those dwellings which has given rise to this reference for a preliminary ruling under Article 177 of the EEC Treaty.

First question

Mr Lee submits that the application relates to work done by him in boring a well for the purpose of securing a water supply to land to be used for agricultural purposes, and that *subsequently* he syphoned off part of that water supply by inserting a T-junction and by installing, at his own expense, a tank so that he could sell approximately 35 % of the land for the erection of dwelling-houses. He submits that, in interpreting Council Directive No 72/159 the Court should indicate not simply whether the directive relates exclusively to farm development for agricultural purposes but also whether an applicant for a grant relating to agricultural land may subsequently develop part of that land for the erection of dwelling-houses for occupation by persons other than those actively engaged in farming.

The *Minister for Agriculture* submits that the answer to the first question should be in the negative.

There is nothing in the provisions of or in the preambles to Directives Nos 72/159 and 73/131 which may be construed as permitting grants or aids to be given for the construction of or the provision of services to dwelling-houses.

The *Commission's* observations are to the same effect. The modernization works in question are covered only if they relate to farms.

The Commission points out that Article 14 of Directive No 72/159 provides that "farm buildings" do not come within the scope of that provision. That means *a fortiori* that Article 14 is not concerned with private dwelling-houses.

Second question

According to *Mr Lee* the question is whether a method of implementation of a directive which takes the form of an administrative scheme dependent on administrative discretion is a proper and adequate implementation of a directive and of the legal rights created thereunder, albeit indirectly, for the benefit of individuals in the Member States of the Community.

On that point there is a difference between, on the one hand, the status of a person seeking to benefit under a purely administrative scheme containing a clause which provides that "the decision of the Minister on any matter relating to this scheme or to any works thereunder shall be final" and, on the other, that of a person asserting a legal right to a benefit under a scheme which has been implemented by legislation or by statutory instrument setting out the criteria and qualifications for obtaining a benefit under the scheme. Even if it is accepted that the clause in question in the scheme would not oust entirely the jurisdiction of the Irish courts under existing Irish case-law, if the clause has any effect in Irish law, it has the effect of depriving Mr Lee of rights which he should have indirectly under Community law.

Even if the clause has no legal effect it would be objectionable under Community law because it could in practice have the effect of depriving individuals of legal rights given to them or of discouraging them from seeking legal redress.

The question arises whether rights conferred by a directive can be taken away by the method of implementation of the directive in a Member State. This is a different question from that whether Council Directive No 72/159 has direct effect; it requires an interpretation of the scope of the rights secured to individuals under Community law by the fact that a Council directive intends to have certain rights secured to individuals through the implementation of the directive in question in the Member States.

Mr Lee submits that the answer to that question ought to be in the negative.

Accordingly, the problem is that of determining the effect under Community law of a national measure taking away or diminishing the legal rights intended to be secured to individuals under the Council directive.

Mr Lee submits that if the scheme introduced in implementation of Directive No 72/159 is in fact defective — either because it does not confer on Mr Lee and other persons concerned the legal rights which the directive intended should be secured to them, or because it takes away, in whole or in part, the rights given to them by that directive — he has direct legal rights under the rules of Community law upon which he should be able to rely before the Irish courts notwithstanding the terms of the clause in the scheme aforesaid.

In conclusion, he submits that the Court should reply to the questions put as follows:

"(1) Council Directive No 72/159/EEC, and in particular Articles 13 and 14 thereof, relates exclusively to farm development for agricultural purposes in so far as applications for grants are concerned, but where an application has been made or granted under a national scheme in implementation of the Council directive, the applicant is not totally precluded by the terms of the said Council directive from selling a small portion of the land which formed the subject-matter of the grant for a purpose other than an agricultural purpose, such as for the erection of dwelling-houses for occupation by persons other than those actively engaged in farming the land.

(2) Council Directive No 72/159/EEC requires to be implemented in the Member States in a manner which ensures that the legal rights created by it under European Community law and intended to be secured for the benefit of individuals in the Member States are not diminished or removed by the manner of implementation of the directive in any Member State".

The *Minister for Agriculture* submits that, in accordance with Article 189 of the Treaty, Directives Nos 72/159 and 73/131 leave a very wide measure of discretion to the Member States in the choice of form and methods (see the sixth recital in the preamble to Directive No 72/159).

Pursuant to those provisions, Ireland chose to implement its obligations under the directive by means of an administrative scheme introduced by the Minister for Agriculture. That scheme

conforms with Article 7 of Directive No 72/159. The Minister for Agriculture is the authority responsible for administering the scheme and ensuring that the provisions of the directives are complied with. Paragraph 12 of Part VII of the scheme provides that "the decision of the Minister on any matter relating to this scheme or to any works thereunder shall be final".

The Minister for Agriculture does not, however, dispute that a failure on his part to introduce the system required by the directives and to comply with the provisions of the directives would give rise to a valid cause of action against him in the Irish courts. Likewise, in administering the scheme pursuant to the directives, he is obliged to respect the rules of natural and constitutional justice. In this case, no claim has been made that those rules have been infringed.

On the other hand, an Irish court has no jurisdiction to uphold a claim for a grant under the scheme; nor has it jurisdiction to substitute its own judgment for that of the Minister.

In conclusion the Minister for Agriculture submits that the second question should be answered in the negative.

The *Commission* believes that the Council directive on the modernization of farms has to be implemented by the Member States through measures which create legally enforceable rights for individuals. It has reached this conclusion on the basis of the stated objectives and terms of the directive.

In those circumstances, the question then arises what legal remedies should be available to protect those rights. In this context, the Commission refers to the case-law of the Court (judgment of 16 December 1976 in Case 33/76 *REWE-Zentralfinanz eG and REWE-Zentral AG* v *Landwirtschaftskammer für das Saarland* [1976] 2 ECR 1989 and the judgment of 16 December 1976 in Case 45/76 *Comet BV* v *Produktschap voor Siergewassen* [1976] 2 ECR 2043). In the *REWE* case the Court held that "applying the principle of cooperation laid down in Article 5 of the Treaty, it is the national courts which are entrusted with ensuring the legal protection which citizens derive from the direct effect of Community law ... . Accordingly, in the absence of Community rules on this subject, it is for the domestic legal system of each Member State to designate the courts having jurisdiction and to determine the procedural conditions governing actions at law intended to ensure the protection of the rights which citizens have from the direct effect of Community law, it being understood that such conditions cannot be less favourable than those relating to similar actions of a domestic nature".

On the basis that certain legal rights must be created by the national measures taken in implementation of the directive in question, if it is to be correctly implemented, it is the opinion of the Commission that those rights, created indirectly by the directive, must be enforceable by the normal judicial remedies existing under national law. In order to achieve the aims of the directive and to implement fully the obligations laid down therein, the Member States have a duty to create a situation which gives individuals legal rights for which

the normal judicial remedies in each State, whatever those remedies may be exactly, must be available. Rights thus created, directly or indirectly, under Community law must have remedies available for their enforcement. If such remedies were excluded not only would the aims of the directive be endangered but also there would not be the necessary degree of uniformity in the application of the directive and of the national implementing measures, as between citizens of different Member States and even between citizens of the same State. Some degree of uniformity is necessary under Community law, under Articles 5 and 7 of the EEC Treaty, in the implementation of the directive even if in principle it has no direct effect. The Commission, therefore, drawing upon the judgments of the Court in the above-mentioned cases, believes that, as regards the degree of legal protection which has to be ensured by the Member States in implementing the directive in question, the same requirements apply as laid down in those two cases, namely that the conditions governing actions to protect the rights of individuals flowing from the national measures taken in implementation of the directive may not be less favourable than those which would govern similar actions relating to purely national measures but drafted to confer rights on individuals.

According to the Commission, by introducing the Farm Modernization Scheme the Irish authorities intended to create certain legal rights for individuals who meet the conditions and definitions laid down in the scheme. Thus, the Irish Farm Modernization Scheme complies with the requirements of Community law outlined above.

The Commission considers that the provision that the decision of the Minister shall be final is interpreted by the Irish courts as not taking away, even in part, any judicial remedies which would otherwise have existed. In those circumstances the clause in question is compatible with the directive.

In conclusion, the Commission submits that the Court should answer the questions put by the High Court as follows:

"1. Directive No 72/159/EEC on the modernization of farms, and in particular Articles 13 and 14 thereof, relates exclusively to farm development and does not provide for development of dwelling-houses.

2. The implementation of Directive No 72/159/EEC must be effected through national measures which create legal rights for individuals which must be protected by the normal judicial remedies available under national law. A national provision which has the effect of taking away, wholly or partially, normal judicial remedies is incompatible with the directive."

III — Oral procedure

At the sitting on 13 February 1980 the appellant in the main action, represented by Mary Robinson, Barrister, the respondent in the main action, represented by Harold A. Whelehan, Barrister, and the Commission of the European Communities, represented by Hendrik Bronkhorst and Mary Minch, acting as Agents, submitted their oral observations.

The Advocate General delivered his opinion at the sitting on 20 March 1980.

Decision

1 By an order of 4 April 1979, which was received at the Court on 1 October 1979, the High Court of Ireland referred to the Court of Justice under Article 177 of the EEC Treaty two questions on the interpretation of Council Directive No 72/159/EEC of 17 April 1972 on the modernization of farms (Official Journal, English Special Edition 1972 (II), p. 324).

2 Those questions have arisen in the context of a dispute regarding an application for a grant for provision of a water supply under the "Farm Modernization Scheme" introduced by the Irish Minister for Agriculture and Fisheries in implementation of the said Directive No 72/159 and of Council Directive No 73/131/EEC of 15 May 1973 on the guidance premium provided for in Article 10 of Directive No 72/159 (Official Journal L 153, p. 24).

3 The national court considered that interpretation of Directive No 72/159, and in particular Articles 13 and 14 therof, was necessary to enable it to examine the compatibility with that directive of the provisions of the Irish scheme in implementation thereof.

First question

4 The first question asks whether Directive No 72/159, and in particular Articles 13 and 14 thereof, relates exclusively to farm development for agricultural purposes or whether it provides also for development of land for the erection of dwelling-houses for occupation by persons other than those actively engaged in farming the land.

5 According to the first two recitals of its preamble the objective of Directive No 72/159 is to contribute to the reform of agricultural structures, which is a basic factor in the development of the common agricultural policy. Article 1 obliges Member States, with a view to bringing about structural conditions conducive to a significant improvement in agricultural incomes and working and production conditions, to introduce a system of selective incentives to farms suitable for development, designed to encourage their operation and development under rational conditions.

6 Article 13 of the directive seeks to promote schemes for irrigation or for land re-parcelling with a view to modernizing farms which satisfy the conditions mentioned in Article 2 of the directive. Those conditions relate to the farmer, who must practise farming as his main occupation and possess adequate occupational skill and competence, the keeping of accounts, the plan for the development of the farm and also the earned income of the farm. Article 14 (2) of the directive is concerned with farms which do not satisfy those conditions but to which the Member States may nonetheless grant certain aids. Thus Article 14 (a), which the parties to the main action consider to be the provision which applies in this case, provides that Member States may, during a certain period, grant temporary aids to farmers who are not capable of attaining the level of earned income laid down by the directive and who are not yet eligible for the annuities provided for in Council Directive No 72/160 of 17 April 1972 concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement (Official Journal, English Special Edition 1972 (II), p. 332).

7 These provisions make it apparent that Directive No 72/159 in general, and Articles 13 and 14 thereof in particular, is concerned only with development of land for agricultural purposes within the framework of a reform of agricultural structures and may not apply to the provision of water supply carried out with a view to the construction of dwelling-houses.

8 The answer to the first question should therefore be that Directive No 72/159, and in particular Articles 13 and 14 thereof, relates exclusively to farm development for agricultural purposes.

9 It is for the national court to decide whether the provision of a water supply which is the subject of the main action was carried out principally in order to service dwelling-houses or whether a part of that work related to the modernization of a farm.

Second question

10 Paragraph 12 of Part VII of the Irish Farm Modernization Scheme provides that "the decision of the Minister on any matter relating to this Scheme or to any works thereunder shall be final". In its second question the national court asks whether such a provision is contrary to Directive No 72/159.

11 According to the information given to the Court by the parties to the main action and the Commission, a provision such as the Paragraph 12 quoted above does not exclude the exercise of any judicial remedy in relation to the legality of the Minister's decision under Irish law. However, it is not for the Court of Justice, within the framework of the function which it is called upon to perform under Article 177 of the Treaty, to interpret the domestic law of a Member State. The question put must therefore be understood as meaning that it asks what obligations the directive imposes on Member States as regards the remedies open to those have claimed the benefit of the advantages which it provides.

12 In the terms of Article 189 of the Treaty a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the Member State the choice of form and methods. The answer to the question put by the national court therefore depends on the result which Directive No 72/159 is intended to achieve. To answer it, therefore, it is appropriate to examine the provisions and the objectives of that directive in order to decide whether the result which it is intended to achieve includes making judicial remedies available against administrative decisions relating to the grant or refusal of the advantages contemplated by the directive.

13 Directive No 72/159 is concerned with the grant, by Member States, of financial incentives designed to improve structural conditions in agriculture. Title 1 of the directive obliges Member States to introduce a system of selective incentives to farms suitable for development where the farmer has drawn up a development plan which satisfies the conditions laid down in the directive. Within certain limits, the task of defining certain requirements which determine the scope of that selective system, such as, for example, that the farmer practises farming as his main occupation or that he possesses adequate occupational skill and competence is left to each Member State.

Under Article 7 Member States shall appoint the authorities responsible for examining applications submitted by persons wishing to benefit from the incentives provided for and approving development plans; the Member States are also to lay down an examination and approval procedure. Title II of the directive provides for other measures to assist farms; its provisions oblige Member States to introduce certain systems of incentives or aids and authorize Member States to grant certain special or temporary aids. Title III, finally, provides that certain expenditure incurred by Member States for the purpose of measures taken under the directive shall be eligible for assistance from the European Agricultural Guidance and Guarantee Fund; it also provides that, when submitting their laws, regulations or administrative provisions in pursuance of the directive, Member States shall also submit an explanatory memorandum showing the relationship at regional level between the measure in question on the one hand and the economic situation and the conditions of the agricultural framework on the other hand.

14 It is therefore apparent from these provisions that it is for the Member States themselves, acting on the basis of common concepts, to implement the measures envisaged by the Community and to determine themselves, on the basis of conditions laid down by the Community, the extent to which such measures should be intensified in or concentrated on certain regions.

15 In these circumstances, and in the absence of any contrary indication in its provisions, the directive must be understood as obliging or, as the case may be, authorizing Member States to establish or maintain schemes which satisfy, generally, the criteria laid down by the Community in regard to the reform of agricultural structures but which, for the rest, are constituted in accordance with the national law of each Member State.

16 From that it follows that Directive No 72/159 contains no specific obligations regarding the provision of judicial remedies in respect of administrative decisions taken in the framework of the national provisions laid down in implementation of it, that matter remaining subject to the national law of each Member State.

17 The answer to the second question should therefore be that the implementation of Directive No 72/159 entails, for the Member States to which it is addressed, no specific obligations to make judicial remedies available to persons claiming the benefit of the advantages envisaged by the directive.

Costs

18 The costs incurred by the Commission of the European Communities, which submitted observations to the Court, are not recoverable. As these proceedings are, in so far as the parties to the main action are concerned, in the nature of a step in the action pending before the national court, the decision on costs is a matter for that court.

On those grounds,

THE COURT

in answer to the questions submitted to it by the High Court of Ireland by order of 4 April 1979, hereby rules:

1. **Council Directive No 72/159 of 17 April 1972, and in particular Articles 13 and 14 thereof, relates exclusively to farm development for agricultural purposes.**

2. **The implementation of Directive No 72/159 entails, for the Member States to which it is addressed, no specific obligations to make judicial remedies available to persons claiming the benefit of the advantages envisaged by the directive.**

Kutscher O'Keeffe Touffait Mertens de Wilmars Pescatore

Mackenzie Stuart Bosco Koopmans Due

Delivered in open court in Luxembourg on 6 May 1980.

A. Van Houtte
Registrar

H. Kutscher
President