

Case C-165/95

The Queen  
v  
Ministry of Agriculture, Fisheries and Food,  
ex parte Benjamin Lay and Others

(Reference for a preliminary ruling  
from the High Court of Justice, Queen's Bench Division)  
(Additional levy on milk — Special reference quantity —  
Transfer of part of a mixed farm —  
Apportionment of the quota between transferor and transferee)

Opinion of Advocate General Tesauro delivered on 29 April 1997 ..... I - 5545  
Judgment of the Court (Sixth Chamber), 16 October 1997 ..... I - 5558

Summary of the Judgment

*Agriculture — Common organization of the markets — Milk and milk products — Additional levy on milk — Allocation of reference quantities exempt from the levy — Producers having suspended deliveries under the system of premiums for non-marketing or conversion — Grant of a special reference quantity — Transfer of part of a mixed holding — Apportionment of the special reference quantity in proportion to the part of the holding given over to milk production at the time when the non-marketing undertaking was entered into  
(Council Regulations No 1078/77 and No 2055/93, Arts 1(2) and 2)*

Articles 1(2) and 2 of Regulation No 2055/93, which introduced, under the additional milk levy system, rules for calculating the special reference quantity where part of a holding is transferred, must be interpreted as meaning that, where part of a mixed holding is transferred, the reference quantity must be apportioned between the transferor and

transferee, or allocated to the transferee, in proportion to the part of the holding directly or indirectly given over to dairy production at the time when the non-marketing undertaking was entered into pursuant to Regulation No 1078/77, and not in proportion to the total area of the holding.