

- (iii) Does Article 23(4) of the directive contain an exhaustive, closed list of categories of claims which can be excluded from discharge, or is the list instead merely illustrative, with the national legislature enjoying absolute discretion to establish such categories of excludable claims as it sees fit, provided that they are duly justified under national law?

- (<sup>1</sup>) Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) (OJ 2019 L 172, p. 18).

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**Appeal brought on 16 November 2022 by the European Investment Bank against the judgment of the General Court (Fourth Chamber) delivered on 7 September 2022 in Case T-651/20, KL v EIB**

**(Case C-704/22 P)**

(2023/C 112/21)

*Language of the case: French*

**Parties**

*Appellant:* European Investment Bank (represented by: G. Faedo and I. Zanin, acting as Agents, and A. Duron, avocate)

*Other party to the proceedings:* KL

By order of 30 January 2023, the President of the Court removed Case C-704/22 P from the Court register and ordered the appellant to bear its own costs.

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**Appeal brought on 16 November 2022 by the European Investment Bank against the judgment of the General Court (Fourth Chamber) delivered on 7 September 2022 in Case T-751/20, KL v EIB**

**(Case C-705/22 P)**

(2023/C 112/22)

*Language of the case: French*

**Parties**

*Appellant:* European Investment Bank (represented by: G. Faedo and I. Zanin, acting as Agents, and A. Duron, avocate)

*Other party to the proceedings:* KL

By order of 30 January 2023, the President of the Court removed Case C-705/22 P from the Court register and ordered the appellant to bear its own costs.

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**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 16 November 2022 — Asociación Española de Productores de Vacuno de Carne — ASOPROVAC v Administración General del Estado**

**(Case C-708/22)**

(2023/C 112/23)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Applicant:* Asociación Española de Productores de Vacuno de Carne — ASOPROVAC

*Defendant:* Administración General del Estado

**Questions referred**

- (1) Are Articles 4 and 32(2) of Regulation (EU) No 1307/2013 <sup>(1)</sup> of the European Parliament and of the Council of 17 December 2013 and Article 60 of Regulation (EU) No 1306/2013 <sup>(2)</sup> of the European Parliament and of the Council of 17 December 2013 to be interpreted as precluding a national provision like Real Decreto 41/2021 (Royal Decree 41/2021) which, in order to prevent the creation of artificial conditions in relation to the grant of a concession of permanent public common pastureland to beneficiaries who do not use that pastureland, provides that grazing activity is to be permitted only if it is carried out with animals belonging to the holding?
- (2) Is Article 60 of Regulation (EU) No 1306/2013, relating to the creation of artificial conditions for obtaining support, to be interpreted as precluding a national provision like Royal Decree 41/2021, which establishes a presumption that the conditions for access to support were artificially created in cases where the agricultural activity of grazing on permanent public common pastureland is carried out with animals which do not belong to the aid applicant's own holding?
- (3) Is Article 4(1)(c) of Regulation (EU) No 1307/2013 to be interpreted as precluding a national provision like Real Decreto 1075/2014 (Royal Decree 1075/2014) of 19 December, pursuant to which the grazing of agricultural areas may not be classified as the maintenance of those areas in a state suitable for grazing?
- (4) Is Article 4(1)(c) of Regulation (EU) No 1307/2013 to be interpreted as precluding a national provision like Royal Decree 1075/2014 of 19 December, pursuant to which persons who merely hold a non-exclusive grazing right over farmland that is not owned by them, and who assign that right to a third party so that the latter may use the pastureland to graze livestock, do not carry out an agricultural activity as provided for in Article 4(1)(c)(i)?
- (5) Is Article 4(1)(b) and (c) of Regulation (EU) No 1307/2013 to be interpreted as precluding a national provision like Royal Decree 1075/2014 of 19 December, pursuant to which persons who merely hold a non-exclusive grazing right over common farmland which is not owned by them cannot be treated as managers of the pastureland to which that grazing right applies for the purposes of carrying out the maintenance of those agricultural areas in a state suitable for grazing?

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<sup>(1)</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 — OJ 2013 L 347, p. 608.

<sup>(2)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 — OJ 2013 L 347, p. 549.

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**Appeal brought on 24 November 2022 by European Commission against the judgment of the General Court (Sixth Chamber, Extended Composition) delivered on 14 September 2022 in joined Cases T-371/20 and T-554/20 Pollinis France v Commission**

**(Case C-726/22 P)**

(2023/C 112/24)

*Language of the case: English*

**Parties**

*Appellant:* European Commission (represented by: S. Delaude, C. Ehrbar, G. Gattinara, Agents)

*Other party to the proceedings:* Pollinis France