

6. More generally, do Articles 49 and 56 TFEU and the principles of certainty and effectiveness of legal protection, as well as the principle of the protection of legitimate expectations, preclude national legislation such as that at issue in the main proceedings, which imposes upon bingo hall operators the payment of an onerous technical extension fee on a monthly basis that is not provided for in the original concession documents, the amount of which is identical for all types of operator and is amended from time to time by the legislature without any proven relationship to the characteristics or performance of individual concession relationships?

⁽¹⁾ OJ 2014 L 94, p. 1.

⁽²⁾ Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ 1989 L 395, p. 33).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 24 November 2022 —
Coral Srl v Ministero dell'Economia e delle Finanze, Agenzia delle Dogane e dei Monopoli**

(Case C-730/22)

(2023/C 94/18)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Coral Srl

Defendants: Ministero dell'Economia e delle Finanze, Agenzia delle Dogane e dei Monopoli

Question referred

'Does Directive 2014/23/EU, ⁽¹⁾ where it is considered to be applicable and, in any event, the general principles deriving from Articles 26, 49, 56 and 63 TFEU as interpreted and applied by the case-law of the Court of Justice, in particular in the light of the principle of non-discrimination, the principle of proportionality and the protection of competition and the free movement of services and capital, preclude the application of national rules under which the national legislature or the public administration may, during the so-called "technical extension" renewed several times in the last decade in the sector of gaming concessions, unilaterally affect ongoing relations, introducing the obligation to pay fees for the concessions, which were originally not due, and subsequently increasing the fees on several occasions, and always setting them as a fixed amount for all concessionaires irrespective of turnover, as well as imposing further constraints on the activities of concessionaires such as prohibiting the transfer of premises and making participation in the future procedure for the re-award of concessions subject to participation by the operators in the extension?'

⁽¹⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ 2014 L 94, p. 1).

**Request for a preliminary ruling from the Bundesverwaltungsgericht (Austria) lodged on
25 November 2022 — IJ and PO GesbR, IJ v Agrarmarkt Austria**

(Case C-731/22)

(2023/C 94/19)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: IJ and PO GesbR, IJ

Defendant Authority: Agrarmarkt Austria

Question referred

Is Article 4(1), (b) and (c), read in conjunction with Article 33(1) of Regulation 1307/2013 ⁽¹⁾ to be interpreted as meaning that an area is to be regarded as being managed by, and at the disposal of, the farmer if, although that area is owned by the farmer and the farmer also carries out the initial soil cultivation and crop cultivation, as well as the ongoing irrigation of the crop cultures, the area is divided into parcels of different sizes and handed over — from the beginning of the season in April/early May until the end of the season in October — to various users for maintenance and harvesting in consideration for a fixed fee, but without the farmer being entitled to a direct share in the success of the harvest?

⁽¹⁾ 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).

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 29 November 2022 — Republic of Austria v GM

(Case C-734/22)

(2023/C 94/20)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant on a point of law: Republic of Austria

Respondent to the appeal on a point of law: GM

Questions referred

1. Is Article 3 of Council Regulation (EC, Euratom) No 2988/95 ⁽¹⁾ directly applicable to claims by which the Republic of Austria seeks to recover aid it granted under a contract to funding applicants within the framework of an agri-environmental aid programme under Council Regulation (EC) No 1698/2005 ⁽²⁾ by means of private-law remedies because the recipient infringed contractual obligations?
2. If the answer to the first question is in the affirmative, must the third subparagraph of Article 3(1) of the regulation referred to in Question 1 be interpreted as meaning that there is an interruption of the limitation period by the investigation or legal proceedings also when the party who issued the aid, after making its first extrajudicial claim for repayment, asks the recipient of the aid again, if need be several times, to make the repayment, and issues an extrajudicial demand for payment instead of asserting its repayment claim in court?
3. If the answer to the first question is in the negative, is the application of a limitation period of 30 years provided for by national civil law in respect of the recovery claims referred to in Question 1 compatible with EU law, in particular with the principle of proportionality?

⁽¹⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ 1995 L 312, p. 1).

⁽²⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ 2005 L 277, p. 1).
