



C/2023/751

20.11.2023

**Request for a preliminary ruling from the Szegedi Törvényszék (Hungary) lodged on 6 September 2023 — SPAR Magyarország Kft. v Bács-Kiskun Vármegyei Kormányhivatal**

**(Case C-557/23, SPAR Magyarország)**

(C/2023/751)

*Language of the case: Hungarian*

**Referring court**

Szegedi Törvényszék

**Parties to the main proceedings**

*Applicant:* SPAR Magyarország Kft.

*Defendant:* Bács-Kiskun Vármegyei Kormányhivatal

**Questions referred**

1. Must Article 83(5) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>(1)</sup> ('the CMO Regulation'), be interpreted as precluding a national measure such as that at issue in the main proceedings, which, on grounds of emergency, imposes on traders an obligation to offer for sale a number of agricultural products falling within the scope of the CMO Regulation at an authorised fixed price and in quantities determined not on the basis of the average daily quantities marketed by the trader in the reference year, but, irrespective thereof, on the basis of the average daily quantities which the trader held in stock in the reference year?
2. Must Article 90a(3) of the CMO Regulation be interpreted as precluding a national measure such as that at issue in the main proceedings, which provides for the mandatory imposition of a fine even in the case where the trader has, on the day on which the check is carried out, offered for sale a number of agricultural products falling within the scope of the CMO Regulation in quantities equivalent to the average daily quantities which it marketed in the reference year, and in the case where such products are available to consumers?

---

<sup>(1)</sup> OJ 2013 L 347, p. 671.