



**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 30 October 2025 –
Consorzio Padano Ortofrutticolo Società Agricola Cooperativa v Regione Emilia-Romagna, Agenzia
regionale per le erogazioni in agricoltura (Agrea)**

(Case C-690/25, Consorzio Padano Ortofrutticolo)

(C/2026/292)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Consorzio Padano Ortofrutticolo Società Agricola Cooperativa

Defendants: Regione Emilia-Romagna; Agenzia regionale per le erogazioni in agricoltura (Agrea)

Questions referred

1. Must Article 36(2) of Regulation (EU) 2017/891 ⁽¹⁾ be interpreted as meaning that it applies also in the case of aid relating to an investment made through a financial leasing contract and where the producer organisation has complied with the recognition criteria and has fulfilled the objectives of the actions laid down in the operational programme at the moment of early cessation and considering, in particular, that only the annual leasing payments, relating to the period of actual use by the organisation, are financed, or, on the contrary, must [that] article be interpreted as meaning that it does not apply in a case such as the present one, and that instead the principle of non-recoverability of financial aid that has been used in full [for] a programme whose objectives have been achieved applies?
2. Where the principle of non-recoverability of aid is excluded in a case such as the present one, must [EU] law be interpreted as meaning that only Article 36 of Regulation (EU) 2017/891 applies in the present case or, on the contrary, does the rule laid down in subparagraph 4 of Article 31(6) of that regulation apply by virtue of the reference in Article 36 or, in any event, as an autonomous rule governing the present case?
3. In the event that subparagraph 4 of Article 31(6) is found to apply, must that rule be interpreted as meaning that the recovery to be made 'in proportion to the number of full years that remain until the end of the depreciation period' refers, in the case of financial leasing, to the payments due before the transfer of the asset, to the exclusion, however, of recovery where the investment has been fully and effectively used for the programme which is the subject of financial aid?

⁽¹⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ 2017 L 138, p. 4).