

**Judgment of the Court (First Chamber) of 2 December 2010 (reference for a preliminary ruling from the Verwaltungsgericht Schwerin (Germany)) — Agrargut Bäbelin GmbH & Co. KG v Amt für Landwirtschaft Bützow**

(Case C-153/09) <sup>(1)</sup>

*(Common agricultural policy — Integrated administration and control system for certain aid schemes — Regulation (EC) No 1782/2003 — Single payment scheme — Set-aside entitlements — Article 54(6) — Regulation (EC) No 796/2004 — Article 50(4) — Declaration of entire area available for the purposes of activating set-aside entitlements — Article 51(1) — Sanction)*

(2011/C 30/05)

Language of the case: German

**Referring court**

Verwaltungsgericht Schwerin

**Parties to the main proceedings**

Applicant: Agrargut Bäbelin GmbH & Co. KG

Defendant: Amt für Landwirtschaft Bützow

**Re:**

Reference for a preliminary ruling — Verwaltungsgericht Schwerin — Interpretation of Article 54 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1) and of Articles 50 and 51 of Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Regulation (EC) No 1782/2003 (OJ 2003 L 141, p. 18) — Agricultural aid — Obligation on the farmer to claim set-aside entitlements before any other entitlement in order to prevent overdeclaration — Infringement of that obligation by a farmer who, after the setting aside of an area, does not have any arable land — Sanctions

**Operative part of the judgment**

1. Article 54(6) of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support

schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001, as amended by Council Regulation (EC) No 319/2006 of 20 February 2006, must be interpreted as meaning that a farmer may apply for aid under the payment entitlements at his disposal, including in conjunction with areas that are not eligible for set-aside, only if he has first activated all of his set-aside entitlements.

2. Article 51 of Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Regulation (EC) No 1782/2003, as amended by Commission Regulation (EC) No 659/2006 of 27 April 2006, read in conjunction with Article 50(4) of that regulation, must be interpreted as meaning that, in the light of the principle of legal certainty, the sanction set out in Article 51(1) is not applicable to a farmer who, while having failed to activate all of his set-aside entitlements, on the ground that he did not have a sufficient number of hectares eligible for set-aside, activated payment entitlements based on permanent pasture.

<sup>(1)</sup> OJ C 180, 1.8.2009.

**Judgment of the Court (Third Chamber) of 2 December 2010 (reference for a preliminary ruling from the Augstākās tiesas Senāts (Republic of Latvia)) — Schenker SIA v Valsts ieņēmumu dienests**

(Case C-199/09) <sup>(1)</sup>

*(Regulation (EEC) No 2454/93 — Provisions for the implementation of the Community Customs Code — Article 6(2) — Application for binding tariff information — Meaning of ‘one type of goods’)*

(2011/C 30/06)

Language of the case: Latvian

**Referring court**

Augstākās tiesas Senāts

**Parties to the main proceedings**

Applicant: Schenker SIA

Defendant: Valsts ieņēmumu dienests