

**Judgment of the Court (First Chamber) of 3 October 2013  
(request for a preliminary ruling from the Conseil d'État —  
France) — Confédération paysanne v Ministre de  
l'Alimentation, de l'Agriculture et de la Pêche**

(Case C-298/12) <sup>(1)</sup>

*(Agriculture — Common agricultural policy — Single  
payment scheme — Regulation (EC) No 1782/2003 —  
Calculation of payment entitlement — Setting the reference  
amount — Reference period — Article 40(1), (2) and (5) —  
Exceptional circumstances — Farmers under agri-  
environmental commitments according to Regulation (EEC)  
No 2078/92 and Regulation (EC) No 1257/1999 —  
Determination of the right to revalorisation of the reference  
amount — Principle of protection of legitimate expectations  
— Equal treatment between farmers)*

(2013/C 344/54)

Language of the case: French

**Referring court**

Conseil d'État

**Parties to the main proceedings**

Applicant: Confédération paysanne

Defendant: Ministre de l'Alimentation, de l'Agriculture et de la  
Pêche

**Re:**

Request for a preliminary ruling — Conseil d'État (France) —  
Interpretation of Article 40(1), (2) and (5) 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) — Income support for farmers —  
Single payment scheme — Determination of reference amount  
— Reference period — Effect of agri-environmental  
commitments — Calculation of the right to revalorisation  
based, not on reduction of production, but on the amount of  
aid received during a reference period — Final date for taking  
agri-environmental commitments into account — Equality of  
treatment as between farmers

**Operative part of the judgment**

1. The first subparagraph of Article 40(5) of Council Regulation  
(EC) No 1782/2003 of 29 September 2003 establishing  
common rules for direct support schemes under the common agri-  
cultural 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  
1009/2008 of 9 October 2008, must be interpreted as  
meaning that a farmer, by the mere fact of having been subject,  
during the reference period, to agri-environmental commitments  
pursuant to Regulations (EEC) No 2078/92 of the Council of  
30 June 1992 on agricultural production methods compatible  
with the requirements of the protection of the environment and  
the maintenance of the countryside, and (EC) No 1257/1999 of  
the Council of 17 May 1999 on support for rural development  
from the European Agricultural Guidance and Guarantee Fund  
(EAGGF) and amending and repealing certain Regulations, as  
amended by Council Regulation (EC) No 2223/2004 of 22  
December 2004, is entitled to request that his reference amount  
be calculated on the basis of the calendar year or years in the  
reference period which were not affected by those commitments.;

2. The second subparagraph of Article 40(5) of Regulation No  
1782/2003, as amended by Regulation No 1009/2008, must  
be interpreted as meaning that a farmer, by the mere fact of  
having been subject, during the period 1997-2002, to agri-envi-  
ronmental commitments pursuant to Regulation No 2078/92  
and Regulation No 1257/1999, as amended by Regulation No  
2223/2004, is entitled to request that his reference amount be  
calculated on the basis of objective criteria and in such a way as to  
ensure equal treatment between farmers and to avoid market and  
competition distortions, which it is for the referring court to  
determine.

<sup>(1)</sup> OJ C 273, 8.9.2012.

**Judgment of the Court (Second Chamber) of 10 October  
2013 (request for a preliminary ruling from the  
Landgericht Saarbrücken — Germany) — Spedition Welter  
GmbH v Avanssur SA**

(Case C-306/12) <sup>(1)</sup>

*(Insurance against civil liability in respect of the use of motor  
vehicles and enforcement of the obligation to insure against  
such liability — Directive 2009/103/EC — Article 21(5) —  
Claims representative — Authority to accept service of  
judicial documents — National rule making the validity of  
that service conditional on the express grant of an authority  
to accept it — Interpretation in conformity with Union law)*

(2013/C 344/55)

Language of the case: German

**Referring court**

Landgericht Saarbrücken

**Parties to the main proceedings**

Appellant: Spedition Welter GmbH