

Questions referred

1. In a situation such as that described in the case in the main proceedings, must EU law be interpreted to the effect that the consequence of the conflict of a legislative provision of a Member State with the third subparagraph of Article 2(2) of Regulation (EEC) No 3950/92 ⁽¹⁾ is that producers are not obliged to pay the additional levy if the conditions laid down by that regulation are met?
2. In a situation such as that described in the case in the main proceedings, must EU law, and in particular the general principle of the protection of legitimate expectations, be interpreted as meaning that the expectations of persons who have performed an obligation laid down by a Member State and who have benefited from the effects associated with performance of that obligation may not be protected if that obligation has proved to be in conflict with EU law?
3. In a situation such as that described in the case in the main proceedings, do Article 9 of Regulation (EC) No 1392/2001 ⁽²⁾ of 9 July 2001 and the EU concept of ‘priority category’ preclude a provision of a Member State, such as Article 2(3) of Decree-Law No 157/2004, approved by the Italian Republic, which lays down varying methods for refunding an additional levy that has been over-charged, drawing a distinction, in terms of timetables and methods of repayment, between producers who have relied upon due compliance with a national provision that has proved to be in conflict with EU law and producers who have not complied with such a provision?

⁽¹⁾ Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector (OJ 1992 L 405, p. 1).

⁽²⁾ Commission Regulation (EC) No 1392/2001 of 9 July 2001 laying down detailed rules for applying Council Regulation (EEC) No 3950/92 establishing an additional levy on milk and milk products (OJ 2001 L 187, p. 19).

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 26 March 2018 — Latte Più Srl and Others v Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto

(Case C-218/18)

(2018/C 240/24)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: Latte Più Srl, Azienda agricola Benedetti Pietro e Angelo s.s., Azienda agricola Bertoldo Leandro e Ferruccio s.s., Sila di Bettinardi Virgilio e Adriano s.s., Bonora Delis, Capparotto Giampaolo e Lorenzino s.s., Cristofori Alessandra, Cunico Antonio, Dal Degan Santo e Giovanni, Dalle Palle Silvano e Munari Teresa, Dalle Palle Tiziano, Fontana Luca, Gonzo Dino e Stefano s.s., Guarato Giuseppe, Guerra Giuseppe, Magrin Stefano e Renato s.s., Marcolin Graziano, Marin Daniele, Gabriele e Graziano s.s., Azienda agricola Mascot di Pilotto Bortolo e figli s.s., Azienda agricola 2000 di Mastrotto Giuseppe, Matteazzi Mario, Mazzaron Roberto, Pozzan Michele e Luca, Radin Alessandro, Raffaello Carlo e fratelli s.s., Azienda agricola Rodighiero Elena di Bartolomei Roberto e Michele s.s., Sambugaro Andrea, Scuccato Gervasio, Serafini Candida, Toffanin Giovanni e Mauro s.s., Trevisan Francesco, Zanettin Gianfranco e Giampietro s.s.

Respondents: Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto

Questions referred

1. In a situation such as that described in the case in the main proceedings, must EU law be interpreted to the effect that the consequence of the conflict of a legislative provision of a Member State with the third subparagraph of Article 2(2) of Regulation (EEC) No 3950/92 ⁽¹⁾ is that producers are not obliged to pay the additional levy if the conditions laid down by that regulation are met?

2. In a situation such as that described in the case in the main proceedings, must EU law and, in particular, the general principle of the protection of legitimate expectations, be interpreted as meaning that the expectations of persons who have performed an obligation laid down by a Member State and who have benefited from the effects associated with performance of that obligation may not be protected if that obligation has proved to be in conflict with EU law?
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**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 26 March 2018 —
Brenta Scrl and Others v Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto**

(Case C-219/18)

(2018/C 240/25)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: Brenta Scrl, Michele Bianchin, Antonio Bortignon, Dorianò Bortignon, Bruno Caron, Francesca Carraro, Antonio Didonè, Loris Donazzan, Rino Guidolin, Silvano Orsato, Valentino Rigo, Roberto Sacchetto, Emiliano Sonda, Azienda agricola Rebesco Antonio e Guerrino s.s.

Respondents: Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto

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