



C/2024/511

8.1.2024

Judgment of the Court (Third Chamber) of 16 November 2023 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — IB v Regione Lombardia and Provincia di Pavia

(Case C-196/22, ⁽¹⁾ Regione Lombardia and Provincia di Pavia (Reforestation measures))

(Reference for a preliminary ruling — Common agricultural policy — Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) — Community aid scheme for forestry measures in agriculture — Regulation (EEC) No 2080/92 — Article 4 — Implementation of the aid scheme by the Member States by means of multiannual programmes — Protection of the Union’s financial interests — Regulation (EC, Euratom) No 2988/95 — Article 1 — Concept of ‘irregularity’ — Article 2 — Effective, proportionate and dissuasive nature of administrative measures and penalties — Article 4 — Withdrawal of the wrongly obtained advantage — Detailed rules for applying the integrated administration and control system for certain European Union aid schemes — National legislation providing for disqualification from receiving aid and repayment of the sums received in the event that irregularities are found — Principle of proportionality)

(C/2024/511)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: IB

Respondents: Regione Lombardia and Provincia di Pavia

Operative part of the judgment

Articles 2 and 4 of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests, Articles 2 and 4 of Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture, and the principle of proportionality

must be interpreted as not precluding a piece of national legislation which, in a situation where it is found, while a multiannual commitment is being implemented, that the area reforested is 20 % smaller than the area that qualified for aid under that commitment, provides for total disqualification from receiving afforestation aid and, accordingly, lays down an obligation to repay that aid in full and provides for total exclusion from receiving the aid which should have been paid in respect of the remaining years of the commitment.

⁽¹⁾ OJ C 213, 30.5.2022.