



C/2024/4560

29.7.2024

Judgment of the Court (Eighth Chamber) of 13 June 2024 (request for a preliminary ruling from the Bundesverwaltungsgericht – Austria) – IJ und PO GesbR, IJ v Agrarmarkt Austria

(Case C-731/22, ⁽¹⁾ Agrarmarkt Austria)

(Reference for a preliminary ruling – Agriculture – Common agricultural policy (CAP) – Support schemes – Direct payments to farmers – Regulation (EU) No 1307/2013 – Article 4(1)(b) and (c) – Concept of ‘holding’ – Management by a farmer – Concept of ‘agricultural activity’ – Article 33(1) – Concept of ‘agricultural area at the farmer’s disposal on a date fixed by the Member State’, for the purposes of the activation of payment entitlements – Seasonal handover, in return for a fee, of parcels of land owned by the farmer to users who are responsible for the maintenance of those parcels and for the harvest)

(C/2024/4560)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: IJ und PO GesbR, IJ

Defendant: Agrarmarkt Austria

Operative part of the judgment

Article 4(1)(b) and (c) in conjunction with Article 33(1) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009

must be interpreted as not precluding a farmer from receiving the direct payments referred to in Article 1(a) of that regulation, in respect of an area which that farmer owns, and that area from being classified as a ‘holding managed’ by that farmer and ‘at the disposal’ of that farmer, where, first, the parcels which make up that area are handed over to users chosen by that farmer, who, in return for a fixed fee, are responsible for the maintenance of those parcels and for the harvest and, second, that farmer, without being entitled to the crop yield, carries out the initial soil cultivation, crop cultivation and the ongoing irrigation of those parcels, and even maintains those parcels in the event that those users fail to do so.

⁽¹⁾ OJ C 94, 13.3.2023.