

Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 19 October 2022 — Askos Properties EOOD v Zamestnik izpalnitelen direktor na Darzhaven fond ‘Zemedelie’

(Case C-656/22)

(2023/C 7/21)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Appellant in cassation: Askos Properties EOOD

Respondent in cassation: Zamestnik izpalnitelen direktor na Darzhaven fond ‘Zemedelie’

Questions referred

1. [The referring court asks] how to interpret Article 2(2)(f) of Regulation (EU) No 1306/2013 ⁽¹⁾ of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, according to which, for the purposes of the financing, management and monitoring of the CAP, ‘force majeure’ and ‘exceptional circumstances’ may, in particular, be recognised in the case of the expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application, and, in particular, whether force majeure or exceptional circumstances in the form of an expropriation of all or a large part of the holding is present in the case where a contract for the use of municipal agricultural land (pastures, grassland and meadows) concluded between a municipal administration and a beneficiary under Measure 211, entitled ‘Payments to farmers in mountain areas facing natural handicaps’, of the Rural Development Programme for the period 2007-2013 is terminated in implementation of a change to the Bulgarian legislation which could not have been anticipated by the beneficiary on the day of lodging the application.
2. Is the situation provided for in Article 47(3) of Regulation (EU) No 1305/2013 ⁽²⁾ of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 present in the case where an agreement for the lease of municipal land to the beneficiary under Measure [211], entitled ‘Payments to farmers in mountain areas facing natural handicaps’, is terminated as a result of a change to national legislation amending and supplementing the Law on the Ownership and Use of Agricultural Land so as to make the possession of a livestock holding and the declaration by the farmer of a certain number of livestock to the Bulgarian Food Safety Authority new conditions for the renting or leasing of municipal land, in accordance with Article [37i](4) of the Law on the Ownership and Use of Agricultural Land, and that change could not have been anticipated either by the beneficiary or by the administrative authority on the day on which the application was lodged?

⁽¹⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ 2013 L 347, p. 549).

⁽²⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ 2013, L 347, p. 487).