

*Defendant Authority:* Agrarmarkt Austria

### Question referred

Is Article 4(1), (b) and (c), read in conjunction with Article 33(1) of Regulation 1307/2013 <sup>(1)</sup> to be interpreted as meaning that an area is to be regarded as being managed by, and at the disposal of, the farmer if, although that area is owned by the farmer and the farmer also carries out the initial soil cultivation and crop cultivation, as well as the ongoing irrigation of the crop cultures, the area is divided into parcels of different sizes and handed over — from the beginning of the season in April/early May until the end of the season in October — to various users for maintenance and harvesting in consideration for a fixed fee, but without the farmer being entitled to a direct share in the success of the harvest?

<sup>(1)</sup> 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 (OJ 2013 L 347, p. 608).

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### Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 29 November 2022 — Republic of Austria v GM

(Case C-734/22)

(2023/C 94/20)

*Language of the case:* German

### Referring court

Oberster Gerichtshof

### Parties to the main proceedings

*Appellant on a point of law:* Republic of Austria

*Respondent to the appeal on a point of law:* GM

### Questions referred

1. Is Article 3 of Council Regulation (EC, Euratom) No 2988/95 <sup>(1)</sup> directly applicable to claims by which the Republic of Austria seeks to recover aid it granted under a contract to funding applicants within the framework of an agri-environmental aid programme under Council Regulation (EC) No 1698/2005 <sup>(2)</sup> by means of private-law remedies because the recipient infringed contractual obligations?
2. If the answer to the first question is in the affirmative, must the third subparagraph of Article 3(1) of the regulation referred to in Question 1 be interpreted as meaning that there is an interruption of the limitation period by the investigation or legal proceedings also when the party who issued the aid, after making its first extrajudicial claim for repayment, asks the recipient of the aid again, if need be several times, to make the repayment, and issues an extrajudicial demand for payment instead of asserting its repayment claim in court?
3. If the answer to the first question is in the negative, is the application of a limitation period of 30 years provided for by national civil law in respect of the recovery claims referred to in Question 1 compatible with EU law, in particular with the principle of proportionality?

<sup>(1)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ 1995 L 312, p. 1).

<sup>(2)</sup> Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ 2005 L 277, p. 1).

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