

Parties to the main proceedings

Applicant — appellant: Groenland Poultry SRL, in liquidation

Defendant — respondent: Agenția de Plăți și Intervenție pentru Agricultură — Centrul Județean Dâmbovița

Questions referred

1. Must Article 47(1) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾ be interpreted as meaning that cases of ‘force majeure or exceptional circumstances’ also include the case where the beneficiary of the aid loses the right to use the leased assets following the termination of the lease on account of the insolvency of the owner of the leased assets (lessor)?
2. In the light of the principle of proportionality, must Article 44(2)(a) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) be interpreted as meaning that, where, during the period for which a commitment given as a condition for the grant of assistance runs, all or part of the holding of a beneficiary is transferred to another person, and that second beneficiary, although having honoured a significant part of the commitment concerned, ceases agricultural activities, and it is not feasible for a successor to take over the commitment, the second beneficiary of the commitment [more correctly: of the aid] must reimburse the aid which it has received (in relation to the period for which it was the beneficiary of the aid), or must it also reimburse the aid received by the first beneficiary thereof?
3. What conditions must the national court take into consideration in interpreting Article 44(2)(a) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) for the purpose of assessing whether ‘it is not feasible for a successor to take over the commitment’?

⁽¹⁾ OJ 2006 L 368, p. 15.

Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on 8 March 2022 — Criminal proceedings against AR

(Case C-179/22)

(2022/C 222/26)

Language of the case: Romanian

Referring court

Curtea de Apel București

Person subject to the European arrest warrant

AR

Questions referred

1. Must the provisions of Article 25 of Framework Decision 2008/909/JHA ⁽¹⁾ be interpreted as meaning that the judicial authority executing a European [arrest] warrant, if it intends to apply Article 4(6) of Framework Decision 2002/584/JHA ⁽²⁾ for the purposes of recognising the judgment passing sentence, is required to request the [forwarding] of the judgment and the certificate issued pursuant to Framework Decision 2008/909/JHA and to obtain the consent of the sentencing State pursuant to Article 4(2) of Framework Decision 2008/909/JHA?

2. Must the provisions of Article 4(6) of Framework Decision 2002/584/JHA, read in conjunction with Articles 25 and 4(2) of Framework Decision 2008/909/JHA, be interpreted as meaning that the refusal to execute a European arrest warrant issued for the purposes of the execution of a custodial sentence and recognition of the judgment passing sentence, without its effective execution by imprisonment of the sentenced person following a pardon and suspension of the sentence, in accordance with the law of the executing State, and without obtaining the consent of the sentencing State in the context of the recognition procedure, [cause] the sentencing State to forfeit its right to enforce the sentence under Article 22(1) of Framework Decision 2008/909/JHA?
3. Must Article 8(1)(c) of Framework Decision 2002/584/JHA be interpreted as meaning that a judgment imposing a custodial sentence on the basis of which a European arrest warrant has been issued, the execution of which has been refused under Article 4(6) [of that Framework Decision], with recognition of the judgment passing sentence but without its effective execution by imprisonment of the sentenced person following a pardon and suspension of the sentence, in accordance with the law of the executing State, and without obtaining the consent of the sentencing State in the context of the recognition procedure, is no longer enforceable?
4. Must the provisions of Article 4(5) of Framework Decision 2002/584/JHA be interpreted as meaning that a judgment refusing to execute a European arrest warrant issued for the purposes of the execution of a custodial sentence and recognition of the judgment passing sentence pursuant to Article 4(6) of Framework Decision 2002/584/JHA, but without its effective execution by imprisonment of the sentenced person following a pardon and suspension of the sentence, in accordance with the law of the executing State (EU Member State), and without obtaining the consent of the sentencing State in the context of the recognition procedure, amounts to a judgment 'by a third State in respect of the same acts'?

If Question 4 is answered in the affirmative:

5. Must the provisions of Article 4(5) of Framework Decision 2002/584/JHA be interpreted as meaning that a judgment refusing to execute a European arrest warrant issued for the purposes of the execution of a custodial sentence and recognition of the judgment passing sentence pursuant to Article 4(6) of Framework Decision 2002/584/JHA, with the suspension of the sentence in accordance with the law of the executing State, amounts to a sentence that 'is currently being served' where supervision of the sentenced person has not yet commenced?

(¹) Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ 2008 L 327, p. 27).

(²) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States — Statements made by certain Member States on the adoption of the Framework Decision (OJ 2002 L 190, p. 1).

**Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 9 March 2022 —
Finanzamt Hamm v Harry Mensing**

(Case C-180/22)

(2022/C 222/27)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant in the appeal on a point of law: Finanzamt Hamm

Respondent in the appeal on a point of law: Harry Mensing