

Question for written answer E-003398/2026
to the Commission
Rule 144
Anna Brylka (Pfe)

Subject: The application of the ‘artificially created conditions’ clause in respect of agricultural producer groups in Poland

In Poland, the ARiMR payment agency is challenging aid granted to agricultural producer groups, citing ‘artificially created conditions’, including personal, family, organisational or economic links between producers. In some cases, the structures in question had previously been operating with the authority’s knowledge, and the aid was granted following an inspection.

In its Judgment of 12 September 2013 in Case C-434/12, *Slancheva sila EOOD*, the CJEU stated that a finding of artificially created conditions requires consideration of both objective and subjective elements and an assessment of all the circumstances of the specific case.

1. Can legal, economic, functional or personal links, including family ties, be sufficient in themselves to establish that the conditions for obtaining aid were artificially created, without demonstrating both the objective and subjective elements required by the case-law of the CJEU?
2. Does EU law permit – and under what conditions – the recovery of aid previously granted and paid out, where an authority subsequently makes a different assessment of the same circumstances of which it was already aware at the time the aid was granted, without demonstrating that the beneficiaries’ primary objective was to obtain an advantage contrary to the purpose of the support scheme?
3. What is the significance, in such cases, of the principles of legal certainty, the protection of legitimate expectations, proportionality and the individual assessment of the case?

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