

EN
E-003398/2026
Answer given by Mr Hansen
on behalf of the European Commission
(21.10.2026)

In its judgment in case C-434/12¹, the Court of Justice of the European Union (CJEU) held that the conditions for the application of the concept of ‘artificially created conditions’ under Article 4(8) of Regulation No 65/2011² require both an objective and a subjective element. When assessing the latter, legal, economic and/or personal links can be taken into account.

The Court also held in the same judgment that there must be objective evidence of the intent to exclusively obtain an advantage contrary to the objectives of the support scheme by artificially creating the conditions required for payment³. The same concept of ‘artificially created conditions’ has been enshrined in Article 62 of Regulation (EU) 2021/2116⁴.

As regards the general principles of legal certainty, the protection of legitimate expectations and proportionality, they should be taken into account in the case-by-case analysis that needs to be carried out by the national authorities.

¹https://infocuria.curia.europa.eu/tabs/affair?affair_a=%2522C%252D434%252F12%2522&publishedId=C-434%2F12&lang=EN, paragraph 43.

² Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures - OJ L 25, 28.1.2011

³ Idem, paragraph 43.

⁴ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 - OJ L 435, 6.12.2021.