

JUDGMENT OF THE COURT (Third Chamber)

27 June 2013 (*)

(Agriculture – Procedural autonomy of the Member States – Common agricultural policy – Aid – Administrative law disputes – Determination of the court with jurisdiction – National criterion – Administrative court in whose judicial district the seat of the authority which adopted the contested act is located – Principle of equivalence – Principle of effectiveness – Article 47 of the Charter of Fundamental Rights of the European Union)

In Case C-93/12,

REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad Sofia-grad (Bulgaria), made by decision of 9 February 2012, received at the Court on 21 February 2012, in the proceedings

ET Agrokonsulting-04-Velko Stoyanov

v

Izpalnitelen direktor na Darzhaven fond ‘Zemedelie’ – Razplashtatelna agentsia,

THE COURT (Third Chamber),

composed of M. Ilešič, President of the Chamber, K. Lenaerts, Vice-President of the Court, acting as Judge of the Third Chamber, E. Jarašiūnas, A. Ó Caoimh (Rapporteur) and C.G. Fernlund, Judges,

Advocate General: Y. Bot,

Registrar: M. Aleksejev, Administrator,

having regard to the written procedure and further to the hearing on 6 February 2013,

after considering the observations submitted on behalf of:

- ET Agrokonsulting-04-Velko Stoyanov, by R. Trifonova, advokat,
- Izpalnitelen direktor na Darzhaven fond ‘Zemedelie’ – Razplashtatelna agentsia, by R. Porozhanov and I. Boyanov, acting as Agents,
- the Bulgarian Government, by E. Petranova, acting as Agent,
- the German Government, by T. Henze, acting as Agent,
- the European Commission, by H. Tserepa-Lacombe and N. Nikolova, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 14 March 2013,

gives the following

Judgment

- 1 This request for a preliminary ruling concerns the interpretation of the principles of equivalence and effectiveness and of Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter').
- 2 The request has been made in proceedings between ET Agrokonsulting-04-Velko Stoyanov ('Agrokonsulting') and the Izpalnitelen direktor na Darzhaven fond 'Zemedelie' – Razplashtatelna agentsia (the Executive Director of the National Agriculture Fund – paying agency, 'the Direktor') concerning an application for aid with a view to financing under the European Union common agricultural policy.

Legal context

European Union law

- 3 As is apparent from its Articles 1(c) and 2(g), Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16), establishes inter alia, in Title V, Chapter 2, a scheme known as the 'single area payment scheme', namely a transitional simplified income support scheme for farmers in the Member States which acceded to the European Union in 2004 and 2007.
- 4 That regulation also establishes, as stated in Article 1(e), a framework to enable those Member States to 'complement direct payments'. That framework is provided for in Article 132 of the regulation, entitled 'Complementary national direct payments and direct payments', under which the Member States concerned have the option, subject to authorisation by the European Commission, of supplementing, in accordance with the detailed rules laid down in that article, the direct payments granted to farmers under one of the support schemes listed in Annex I to the regulation. That annex includes, inter alia, the single area payment scheme.
- 5 Under Article 14 of Regulation No 73/2009, read in conjunction with that annex, each Member State is to set up and operate, for the purposes inter alia of the single area payment scheme, an 'integrated administration and control system'. That system must comprise, in accordance with Article 15(1) of that regulation, a computerised database, an identification system for agricultural parcels, a system for the identification and registration of payment entitlements, aid applications, an integrated control system and a single system to record the identity of each farmer who submits an aid application.
- 6 Article 16 of that regulation provides:
- '1. The computerised database shall record, for each agricultural holding, the data obtained from aid applications.
- This database shall in particular allow consultation through the competent authority of the Member State, of the data relating to the calendar and/or marketing years, starting from 2000. It shall also allow direct and immediate consultation of the data relating to the four previous years.
2. Member States may set up decentralised databases on condition that these, and the administrative procedures for recording and accessing data, are designed homogeneously throughout the territory of the Member State and are compatible with one another in order to allow for cross-checks.'
- 7 Pursuant to Article 17 of that regulation, 'the identification system for agricultural parcels shall be established on the basis of maps or land registry documents or other cartographic references'. Use must be made 'of computerised geographical information system techniques, including preferably

aerial or spatial orthoimagery’.

8 Article 18 of that regulation provides:

‘1. A system for the identification and registration of payment entitlements shall be set up allowing for verification of the entitlements and for cross-checks with the aid applications and the identification system for agricultural parcels.

2. The system referred to in paragraph 1 shall allow direct and immediate consultation, through the competent authority of the Member State, of the data relating to at least the previous four consecutive calendar years.’

9 In accordance with Article 19 of that regulation, applications for direct payments in respect, inter alia, of the single area payment scheme, must be submitted every year.

10 Article 20(1) and (2) of that regulation provides:

‘1. Member States shall carry out administrative controls on the aid applications to verify the eligibility conditions for the aid.

2. Administrative controls shall be supplemented by a system of on-the-spot checks to verify eligibility for the aid. For this purpose, Member States shall draw up a sampling plan of agricultural holdings.

Member States may use remote sensing and Global Navigation Satellite System (GNSS) techniques as a means of carrying out on-the-spot checks on agricultural parcels.’

11 Under Article 29(2) and (3) of that regulation:

‘2. Payments shall be made in up to two instalments per year within the period from 1 December to 30 June of the following calendar year.

3. Payments under support schemes listed in Annex I shall not be made before the verification of eligibility conditions, to be carried out by the Member State pursuant to Article 20, has been finalised.’

12 Pursuant to Article 122 of that regulation, the single area payment is granted on an annual basis.

13 According to Article 124(1) and (2) of that regulation:

‘1. ...

For Bulgaria and Romania, the agricultural area under the single area payment scheme shall be the part of its utilised agricultural area which is maintained in good agricultural condition, whether or not in production, where appropriate adjusted in accordance with the objective and non-discriminatory criteria to be set by Bulgaria or Romania after approval by the Commission.

2. For the purpose of granting payments under the single area payment scheme, ... for Bulgaria and Romania, all agricultural parcels corresponding to the criteria provided for in paragraph 1, as well as agricultural parcels planted with short rotation coppice ... shall be eligible.

...’

14 As is apparent from its title, Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for [by] that regulation, as well as for the

implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ 2009 L 316, p. 65), lays down, inter alia, detailed rules for the application of Regulation No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for by that regulation.

- 15 Article 58 of Regulation No 1122/2009 sets out reductions and exclusions in cases of over-declaration in connection with aid applications in respect of ‘area-related’ aid schemes, which include, inter alia, as is apparent from Article 2(12) of that regulation, the single area payment scheme provided for in Title V of Regulation No 73/2009.

Bulgarian law

- 16 The Law on aid to farmers (Zakon za podpomagane na zemedelskite proizvoditeli, DV No 58, 22 May 1998), in the version applicable to the main proceedings, governs, inter alia, in accordance with Article 1(1) and (6), ‘State support to farmers for the production of agricultural products ...’, and the measures contained in the national plan for the development of agriculture and of the agricultural regions’ and ‘the implementation of the single area payment scheme in accordance with the European Union’s common agricultural policy’.

- 17 In accordance with Article 32(1) of that law, applications for aid must be lodged with the regional structures of the paying agency.

- 18 Under Article 1 of Decree No 5/2009 on the procedure for the submission of applications in respect of area-related aid schemes (Naredba No 5/2009 g. za usloviata i reda za podavane na zayavlenia po shemi i merki za podpomagane na plosht), in the version applicable to the main proceedings:

‘By this Decree, the procedures for the submission of aid applications under the following schemes and measures of the common agricultural policy (CAP) shall be governed:

1. single area payment scheme;
2. complementary national area payments scheme;

...’

- 19 Under Article 128 of the Code of Administrative Procedure (Administrativnoprotsesualen kodeks, ‘the APK’), all proceedings concerning applications for, inter alia, the adoption, amendment or annulment of an administrative act, or for a declaration that it is void, fall within the jurisdiction of the administrative courts.

- 20 Under Article 133(1) of the APK:

‘The proceedings shall fall within the jurisdiction of the Administrativen sad [(Administrative Court)] in whose judicial district the authority which adopted the contested administrative act has its seat...’.

- 21 Article 135(3) of the APK provides that conflicts of jurisdiction between administrative courts are to be determined by the Varhoven administrativen sad (Supreme Administrative Court).

- 22 Article 1 of the Law on ownership and use of agricultural land (Zakon za sobstvenostta i polzuvaneto na zemedelskite zemi, DV No 17, 1 March 2001), in the version applicable to the main proceedings (‘the ZSPZZ’), provides that that law governs the ownership and use of agricultural land.

- 23 Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the APK provides:

‘(1) Individual administrative acts under the [ZSPZZ] and its implementing decree and refusals to adopt such acts – unless enacted by the Minister for Agriculture and Food – may be challenged before the Rayonen sad (District Court) in the place where the property is located, in accordance with the [APK].

...’

The dispute in the main proceedings and the questions referred for a preliminary ruling

- 24 Agrokonsulting, whose seat is at Burgas (Bulgaria), is registered as a farmer. On 11 May 2010, it lodged an application for aid under the single area payment scheme and the scheme of complementary national payments per hectare of agricultural land. It stated, inter alia, that it cultivated various sorts of cereals, vegetables and fruit. The agricultural land in question is located within the boundary of the village of Merdanya, in the region of Veliko Tarnovo (Bulgaria), approximately 250 km from Sofia.
- 25 By letter of 2 October 2011, the Direktor refused the application on the ground that the areas declared by Agrokonsulting did not comply with the requirements of Regulation No 1122/2009.
- 26 Agrokonsulting brought an action against that decision before the Administrativen sad Burgas (Administrative Court, Burgas), claiming that the Direktor’s findings that some of the plots declared lay outside the physical plots eligible for the aid were unlawful. Agrokonsulting’s arguments in that context were essentially based on an alleged infringement, by the Direktor’s decision, of the Bulgarian legislation intended to implement into national law European Union law on the common agricultural policy. Agrokonsulting also maintained that that decision was based on the incorrect application of Article 58 of Regulation No 1122/2009.
- 27 The order for reference states that Agrokonsulting also submitted that the case fell within the jurisdiction of the Administrativen sad Burgas, on the ground that the aid application had been made to the Obshtinska sluzhba ‘Zemedelie’ (Local Agriculture Agency) for the Burgas region. According to Agrokonsulting, in order that the principle of expeditious proceedings may be observed, the case must fall within the judicial district of the Administrativen sad Burgas. Agrokonsulting further claimed, in that regard, that protracted procedures would be inconsistent with the objectives of the common agricultural policy.
- 28 The Administrativen sad Burgas, by order of 16 November 2011, raised the question of a conflict of jurisdiction, stayed the proceedings and remitted the case to the referring court for it to decide on its jurisdiction. The grounds of that order state that, in accordance with Article 133(1) of the APK, the case is to be heard by the administrative court in whose judicial district the seat of the Direktor is located, that is, the Administrativen sad Sofia-grad (Administrative Court, Sofia).
- 29 The referring court, for its part, takes the view that the case in the main proceedings does not fall within its jurisdiction, and that the conflict of jurisdiction should be submitted to the Varhoven administrativen sad, in accordance with Article 135(3) of the APK. However, it considers that it is necessary to make an order for reference to the Court of Justice ‘on the interpretation and the scope of the principles, developed in the Court’s case-law, of the procedural autonomy of national courts, effectiveness and equivalence, in connection with the application of national procedural rules such as Article 133 of the APK’.
- 30 According to the referring court, an administrative practice has become established in Bulgaria under which acts of the paying agency in connection with the common agricultural policy must be adopted by the Direktor, located in Sofia, irrespective of the regional structure to which the application was made and where the agricultural parcels in respect of which the aid is requested are located. Article 133(1) of the APK therefore requires the Administrativen sad Sofia-grad to rule on all the actions directed against acts of the Direktor. Thus, all disputes concerning aid to farmers

under the schemes and measures of the common agricultural policy are concentrated at the referring court.

- 31 The referring court takes the view that the proceedings before it are complicated on account of the remoteness of the agricultural parcels concerned by the Direktor's decision of 2 October 2011. According to that court, the collection of evidence, the production of experts' reports and the inspection of properties, which are often hundreds of kilometres from the city of Sofia, are liable to be delayed and rendered more costly, which would adversely affect the right of farmers, described by that court as a 'vulnerable social group', to an effective remedy.
- 32 The Administrativen sad Sofia-grad raises the issue of whether the principle of equivalence precludes a national rule under which jurisdiction for administrative disputes concerning substantive rights derived from European Union law depends solely on the seat of the administrative authority which adopted the contested administrative act. In this connection, the referring court observes that the general rule on territorial jurisdiction in Article 133(1) of the APK does not take account of the location of the agricultural land concerned, unlike the special rule on territorial jurisdiction provided for in Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the APK in the case of acts adopted under the ZSPZZ.
- 33 In those circumstances, the Administrativen sad Sofia-grad decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

- '1. Are the principle of effectiveness set out in the case-law [of the Court of Justice] of the European Union and the principle of effective judicial protection enshrined in Article 47 of the [Charter] to be interpreted as not permitting a national procedural rule such as Article 133(1) of the [APK] which makes jurisdiction in administrative disputes concerning the implementation of the European Union's common agricultural policy dependent solely on the seat of the administrative authority which adopted the contested administrative act, considering that that rule does not take into consideration the place in which the properties are located or the place of residence of the person seeking justice?
2. Is the principle of equivalence set out in the case-law of the Court of Justice of the European Union to be interpreted as not permitting a national procedural rule such as Article 133(1) of the APK which makes jurisdiction in administrative disputes concerning the implementation of the European Union's common agricultural policy dependent solely on the seat of the administrative authority which adopted the contested administrative act, if account is taken of Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the [APK] (which concerns jurisdiction in domestic administrative disputes concerning agricultural land)?'

Consideration of the questions referred

- 34 By its questions, which fall to be examined together, the referring court asks, in essence, whether European Union law, in particular the principles of equivalence and effectiveness and Article 47 of the Charter, must be interpreted as precluding a national jurisdiction rule such as that set out in Article 133(1) of the APK, which results in conferring on a single court all the disputes relating to decisions of a national authority responsible for the payment of agricultural aid under the common agricultural policy.
- 35 It is the Court's settled case-law that, in the absence of European Union rules governing the matter, it is for the domestic legal system of each Member State, in accordance with the principle of the procedural autonomy of the Member States, to designate the courts and tribunals having jurisdiction and to lay down the detailed procedural rules governing actions for safeguarding rights which individuals derive from European Union law, the Member States having none the less responsibility for ensuring that those rights are effectively protected in each case (see, to that effect, Case

C-224/01 *Köbler* [2003] ECR I-10239, paragraph 47; Case C-268/06 *Impact* [2008] ECR I-2483, paragraphs 44 and 45; Case C-12/08 *Mono Car Styling* [2009] ECR I-6653, paragraph 48; and Joined Cases C-317/08 to C-320/08 *Alassini and Others* [2010] ECR I-2213, paragraph 47).

- 36 In this respect, in accordance with the principle of loyal cooperation now enshrined in Article 4(3) TEU, the detailed procedural rules governing actions for safeguarding an individual's rights under European Union law must be no less favourable than those governing similar domestic actions (principle of equivalence) and must not render impossible in practice or excessively difficult the exercise of rights conferred by European Union law (principle of effectiveness) (see, in particular, to that effect, Case 33/76 *Rewe-Zentralfinanz and Rewe-Zentral* [1976] ECR 1989, paragraph 5; Case C-312/93 *Peterbroeck* [1995] ECR I-4599, paragraph 12; and Case C-416/10 *Križan and Others* [2013] ECR, paragraph 85).
- 37 It follows from the Court's case-law that the requirements stemming from the principles of equivalence and effectiveness apply both to the designation of the courts and tribunals having jurisdiction to hear and determine actions based on European Union law and to the definition of the procedural rules governing such actions (see *Impact*, paragraph 47, and *Alassini and Others*, paragraph 49).
- 38 The observance of those requirements must be analysed by reference to the role of the rules concerned in the procedure viewed as a whole, to the conduct of that procedure and to the special features of those rules, before the various national instances (see, to that effect, *Peterbroeck*, paragraph 14; Case C-326/96 *Levez* [1998] ECR I-7835, paragraph 44; and Case C-63/08 *Pontin* [2009] ECR I-10467, paragraphs 46 and 47 and the case-law cited).
- 39 So far as concerns, first of all, the principle of equivalence, it is apparent from the Court's case-law that observance of that principle requires that the national rule at issue be applied without distinction, whether the action is based on rights which individuals derive from European Union law or whether it is based on an infringement of national law, where the purpose and cause of action are similar. It is for the national court, which has direct knowledge of the detailed procedural rules applicable, to ascertain whether the actions concerned are similar as regards their purpose, cause of action and essential characteristics (see, to that effect, *Pontin*, paragraph 45 and the case-law cited, and Case C-591/10 *Littlewoods Retail and Others* [2012] ECR, paragraph 31).
- 40 In the order for reference, in order to illustrate its concerns as regards the principle of equivalence, the Administrativen sad Sofia-grad makes a comparison between disputes connected with the implementation of the European Union common agricultural policy and disputes under Bulgarian national law relating to property restitution and the use of agricultural land. So far as those latter disputes are concerned, Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the APK provides that the case is to be heard by the Rayonen sad of the place where the property is situated.
- 41 However, it can be seen from the order for reference that Article 133(1) of the APK lays down a national jurisdiction rule which applies generally to actions brought against administrative acts, including administrative acts relating to direct payments to farmers under the single area payment scheme established by Regulation No 73/2009. On the other hand, Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the APK exclusively concerns actions brought against certain acts adopted under the ZSPZZ and its implementing decree. It is apparent from the file submitted to the Court that the administrative acts adopted on the basis of the ZSPZZ are closely linked to rights *in rem* over immovable property including, inter alia, acts relating to the restitution of property rights or the use of agricultural land, to the provision of compensation to owners of property and to activities concerned with the maintenance of the cadastral map of the agricultural land over which ownership has been restored.
- 42 In those circumstances, having regard to the case-law cited at paragraphs 38 and 39 above, it

appears, subject to the examination which it will be for the referring court to carry out if necessary, that rules on jurisdiction such as those provided for in Article 133(1) of the APK and Paragraph 19 of the transitional and final provisions of the Law amending and supplementing the APK respectively are not comparable for the purposes of the application of the principle of equivalence.

- 43 On the other hand, for the purposes of the application of the case-law cited in paragraph 36 above, actions envisaged for the protection of rights derived from any aid schemes for farmers that may be laid down by the national law are clearly among the actions which may be regarded as similar to those intended to ensure the safeguarding of rights which individuals derive from European Union law.
- 44 It must be observed on this point that the mere fact that, under Article 132 of Regulation No 73/2009, the grant of complementary national direct payments is subject to authorisation by the Commission and delimited by the detailed rules provided for in that article does not preclude the conclusion that, for the purposes of the application of the principle of equivalence, a complementary national direct payments scheme falls within the domestic legal order of the Member State concerned.
- 45 In this connection, it is apparent from the file before the Court in the present case that, within the framework set out in Article 132 of Regulation No 73/2009, the Republic of Bulgaria has made use of its power to add complementary national direct payments to the direct payments provided for by that regulation.
- 46 On that issue, the Direktor and the Bulgarian Government stated at the hearing before the Court that actions relating to the latter payments are also subject to the general rule on territorial jurisdiction provided for in Article 133(1) of the APK.
- 47 If that statement should prove to be correct, following the examination which it is for the referring court to carry out on this issue, it cannot be concluded that there is an infringement of the principle of equivalence stemming from the detailed procedural rules concerning actions relating to complementary national direct payments.
- 48 As regards, next, the principle of effectiveness, it must be recalled that, from the point of view of the analysis required by the case-law cited at paragraph 38 above, the question whether a national procedural provision renders the exercise of an individual's rights under the European Union legal order impossible in practice or excessively difficult must be assessed taking into consideration, as appropriate, the principles which lie at the basis of the national legal system concerned, such as the protection of the rights of the defence, the principle of legal certainty and the proper conduct of the proceedings (see *inter alia*, to that effect, *Peterbroeck*, paragraph 14, and *Pontin*, paragraph 47).
- 49 In the case in the main proceedings, the referring court must, as regards the concerns set out at paragraphs 30 and 31 above, take account of the following factors.
- 50 First, it must be examined whether a farmer wishing to challenge an administrative act by the Direktor concerning him must participate in person in the legal proceedings. In this connection, it is apparent from the observations submitted to the Court that an individual in a position such as that of Agrokonsulting is not obliged to appear in person but can be represented by a lawyer, a spouse, a first-degree relative in the ascending or descending line, legal counsel or an employee with legal training. The Bulgarian Government adds that legal aid is granted where it is demonstrated that an individual does not have sufficient resources to pay for a lawyer's services. In addition, according to that government, the costs, including lawyers' fees, are awarded to the party who is successful in such an action, if that party has applied for them. Costs are also awarded to the applicant where the case is closed following the withdrawal of the contested administrative act. Furthermore, according to the Direktor, in actions concerning administrative acts issued by him, a statement by the applicant that the contested act is unlawful is sufficient to shift the burden of proving the lawfulness of that act onto the authorities. So far as necessary, it is for the referring court, which, unlike the Court in a

case referred under Article 267 TFEU, has jurisdiction to interpret Bulgarian law, to verify these points.

- 51 Secondly, it does indeed emerge from the file submitted to the Court that, in actions brought by farmers against administrative acts adopted by the National Agriculture Fund, the preferred means of assessing evidence is, in general, experts' reports. In this context, the task of the expert designated by the competent court is to familiarise himself with the relevant evidence and then to present his findings on the basis of the questions submitted to him.
- 52 However, in the case of actions against reductions in aid under the single area payment scheme, or its refusal, it does not appear that the proceedings are rendered more complicated by the fact that the agricultural parcels concerned are far away from the competent national court.
- 53 In actions brought, like the action at the origin of the main proceedings, in order to challenge findings that some plots declared lie outside the physical blocks eligible for such aid, it is apparent, *inter alia*, from Articles 16(1), 17 and 18 of Regulation No 73/2009 that it will be generally, if not always, necessary to look at the orthoimages and the data in the integrated administration and control system provided for in Article 14 of that regulation.
- 54 Also, in so far as it is necessary to check the use made, during the year covered by the application, of given agricultural parcels, it is apparent from Articles 17 and 20(2) of Regulation No 73/2009 that the Member States may use remote sensing and Global Navigation Satellite System techniques as a means of carrying out on-the-spot checks. In addition, as follows from, *inter alia*, Articles 19, 29 and 122 of that regulation, contentious proceedings concerning the refusal of aid under the single area payment scheme or its reduction will not normally take place until after the year for which the application for aid was made. In such a situation, inspection of agricultural parcels by means of a visit to the lands concerned will often not be of much use for the purposes of checking the precise use to which such parcels were put during a previous year. Thus, Article 16(1) of that regulation provides, *inter alia*, that the database forming part of the integrated administration and control system must enable the direct and immediate consultation of the data relating to the four previous years.
- 55 Thirdly, both the Direktor and the Bulgarian Government stated before the Court that the Administrativen sad Sofia-grad normally seems to rule on actions against acts adopted by the Direktor under the common agricultural policy within a period of six to eight months. In principle, such an average duration, which it is for the referring court to confirm, does not appear excessive in the context of the single area payment scheme.
- 56 Fourthly, it is not inconceivable, in that latter regard, that the fact that disputes are concentrated before the referring court allows that court to acquire specific expertise by ruling on issues relating to agricultural aid, thereby limiting the average length of the proceedings. Furthermore, as the German Government in particular has pointed out, a centralised court, specialising in agricultural aid, seems likely to ensure uniform practice throughout the national territory, thereby contributing to legal certainty.
- 57 Admittedly, in accordance with the principle of procedural autonomy, it is open to the Republic of Bulgaria, provided that it observes the principles of equivalence and effectiveness, to adopt a rule on jurisdiction which differs from that stemming from Article 133(1) of the APK. It does not, however, follow that such a provision, merely by virtue of the fact that it results in an action directed against an administrative act falling within the jurisdiction of the administrative court in whose judicial district the body which adopted that act has its seat, infringes the principle of effectiveness.
- 58 In the light of the foregoing, it appears that there are considerations linked in particular to the proper conduct of the procedure which support a finding that the application of a national jurisdiction rule, such as that set out in Article 133(1) of the APK, which results in concentrating

before a single court the disputes relating to decisions of a national authority responsible for the payment of agricultural aid under the common agricultural policy, does not infringe the principle of effectiveness. It is, however, for the referring court, which, unlike the Court in a case referred under Article 267 TFEU, has jurisdiction to assess the facts of the dispute in the main proceedings and to interpret Bulgarian law, to ascertain whether that is the case in those proceedings.

- 59 So far as concerns, lastly, Article 47 of the Charter, it is apparent from the Court's case-law that that provision constitutes a reaffirmation of the principle of effective judicial protection, a general principle of European Union law stemming from the constitutional traditions common to the Member States, which has been enshrined in Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (see to that effect, *inter alia*, Case 222/84 *Johnston* [1986] ECR 1651, paragraph 18; Case C-432/05 *Unibet* [2007] ECR I-2271, paragraph 37; and Case C-334/12 RX-II *Arango Jaramillo and Others v EIB* [2013] ECR, paragraph 40).
- 60 In the present case, it is sufficient to observe in this connection that, taking account, *inter alia*, of the considerations expressed in paragraphs 50 to 58 of this judgment and in the light of the information available to the Court in these proceedings, it does not appear that an individual in a position such as that of Agrokonsulting is deprived of an effective remedy before a court with a view to defending rights derived from European Union law.
- 61 In the light of the foregoing, the answer to the questions referred is that European Union law, in particular the principles of equivalence and effectiveness and Article 47 of the Charter, does not preclude a national rule of jurisdiction such as that in Article 133(1) of the APK, which results in conferring on a single court all disputes relating to decisions of a national authority responsible for the payment of agricultural aid under the European Union common agricultural policy, provided that actions intended to ensure the safeguarding of the rights which individuals derive from European Union law are not conducted in less advantageous conditions than those provided for in respect of actions intended to protect the rights derived from any aid schemes for farmers established under national law, and that jurisdiction rule does not cause individuals procedural problems in terms, *inter alia*, of the duration of the proceedings, such as to render the exercise of the rights derived from European Union law excessively difficult, which it is for the referring court to ascertain.

Costs

- 62 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Third Chamber) hereby rules:

European Union law, in particular the principles of equivalence and effectiveness and Article 47 of the Charter of Fundamental Rights of the European Union, does not preclude a national rule of jurisdiction such as that in Article 133(1) of the Code of Administrative Procedure (Administrativnoprotsesualen kodeks), which results in conferring on a single court all disputes relating to decisions of a national authority responsible for the payment of agricultural support under the European Union common agricultural policy, provided that actions intended to ensure the safeguarding of the rights which individuals derive from European Union law are not conducted in less advantageous conditions than those provided for in respect of actions intended to protect the rights derived from any aid schemes for farmers established under national law, and that jurisdiction rule does not cause individuals procedural problems in terms, *inter alia*, of the duration of the proceedings, such as to render the exercise of the rights derived from European Union law excessively difficult, which it is for

the referring court to ascertain.

[Signatures]

* Language of the case: Bulgarian.