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CONTRIBUTION

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Subject:	Regulation establishing the conditions for the implementation of Union support under the CAP - Comments from Denmark on the CAP post-2027 Regulation

Technical and legal drafting comments from DK on Article 2a(1) (Definition of farmer)

Denmark supports the wording on the definition of farmer, Article 2a(1) in doc. 13261/26 and as understood in light of the note from the Cyprus Presidency circulated on 28 May 2026 (9803/26).

However, Denmark considers that it should be made clearer in the recitals to the CAP-regulation itself that the phrase ‘group of natural or legal persons’ refers to a third and distinct category of farmers.

In particular, the phrase should not be understood as encompassing ‘any association of natural or legal persons that are related to each other within a more or less structured single organisation’, as the case-law might otherwise suggest.

The phrase ‘group of natural or legal persons’ has given rise to legal uncertainty in several Member States during recent CAP reform periods. and has led to several court cases between the Commission and Member States due to differing interpretations.

The interpretation of the Commission has been endorsed by the General Court in Cases T-48/22, *Czech Republic v Commission*, T-56/22, *United Kingdom v Commission*, and T-499/22, *Hungary v Commission*, in which the concept of a ‘group of natural or legal persons’ was interpreted as encompassing ‘any association of natural or legal persons that are related to each other within a more or less structured single organisation’.

Denmark is aware that the rulings of the General Court have been appealed and that the appeal proceedings are still pending and that Advocate General Emiliou’s Opinion in one of these cases (Case C-237/24 P) indicates that the interpretation adopted by the Commission and the General Court may not be upheld. The disagreement is precisely why it should be clearly specified in the legal framework how certain concepts are to be understood as the lack of clarity may create considerable administrative difficulties for Member States when identifying and determining the boundaries of the individual legal entities to be treated as ‘farmers’ or ‘beneficiaries’ under the CAP. It may likewise be difficult for potential beneficiaries to determine whether they are considered to form part of such a ‘group’ and, consequently, to foresee their legal position.

Against this background, Denmark proposes that the recitals to the CAP-regulation should clarify that a “group of natural or legal persons” constitutes a farmer, and thus a beneficiary, only where the group as such applies for support. Hence, we propose that the following text be inserted at an appropriate place in the recitals:

“In addition to natural and legal persons, groups of natural or legal persons should be recognised as a third and distinct category of farmer. This category should cover collective farming or farmer-led structures, including producer groups and cooperatives, irrespective of whether such structures have legal personality under national law. Where a group of natural or legal persons applies collectively for support, that group should be considered as a single farmer for the purposes of the support concerned, without prejudice to the possibility for its members to be considered individually as farmers where they apply for support in their own capacity.”

Conversely, the clear starting point should be that each natural or legal person applying for or receiving support is to be regarded as a separate farmer/beneficiary, unless the arrangement constitutes circumvention of the applicable rules or a specific provision governs the case.