

Case C-403/98 Azienda Agricola v Sardegna [2001]

Facts: Azienda Agricola's application to be entered in the Register of Farmers Practising Farming as their Main Occupation was rejected by Organismo Comprensoriale della Sardegna. In connection with these proceedings, the Tribunale Civile e Penale di Cagliari referred for a preliminary ruling whether a national court may apply to limited companies a Regulation where the legislature of a Member State has not adopted the provisions necessary for their implementation in the national legal system.

Held: The EU Regulation under discussion defined the conditions for a natural person to be considered a farmer practising farming as his main occupation. It left to the Member States to define what the expression meant in the case of persons other than natural persons. The relevant Italian Law included in the definition agricultural cooperatives, farmers' associations and partnerships, but did not include private limited companies. Azienda Agricola was a private limited company, and in these grounds its application for entry in the Register was rejected. Although regulations generally have immediate effect in the national legal systems without being necessary for the national authorities to adopt measures of application, some of their provisions may none the less necessitate, for their implementation, the adoption of measures of application by the Member States. Individuals cannot derive rights from those provisions in the absence of measures of application adopted by the Member States.