

**Decision of 01.04.2020 -****BVerwG 3 B 31.19**

ECLI:DE:BVerwG:2020:010420B3B31.19.0

Suggested citation

BVerwG, Beschluss vom 01.04.2020 - 3 B 31.19 - [ECLI:DE:BVerwG:2020:010420B3B31.19.0]

RESOLUTION

BVerwG 3 B 31.19

VG Stade - December 22, 2016 - AZ: VG 6 A 160/16

Lüneburg Higher Administrative Court - 22.05.2019 - Case No.: OVG 10 LB 69/17

In the administrative dispute, the 3rd Senate of the Federal Administrative Court, through the Presiding Judge of the Federal Administrative Court Dr. Philipp and the Judges of the Federal Administrative Court Prof. Dr. habil. Wysk and Rothfuß, decided on 1 April 2020 :

The decision of the Lower Saxony Higher Administrative Court not to admit the appeal in its judgment of 22 May 2019 is set aside.

The appeal is allowed.

The decision on the costs of the appeal proceedings follows the decision on costs in the main proceedings.

The value of the subject matter of the dispute is provisionally set at €25 for the appeal proceedings.

Reasons

- 1 The appeal is successful. The case has the fundamental significance claimed (Section 132 (2) No. 1 of the Code of Administrative Court Procedure). The appeal will likely give the Senate the opportunity to clarify the question of whether Article 15 (1) of Commission Regulation (EU) No. 639/2014 of 11 March 2014 (OJ L 181 p. 1) in conjunction with Article 2 (1) subparagraph 1 of the Code of Administrative Court Procedure (VwGO) applies. Article 72(1)(a) of Commission Regulation (EU) No 640/2014 of 11 March 2014 (OJ L 181, p. 48) is to be interpreted as meaning that a payment entitlement must also be allocated for an area declared in the single application which does not reach the minimum size of the agricultural parcels for which an aid application may be submitted (Article 72(1)(2) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 (OJ L 347, p. 549).
- 2 The provisional determination of the value in dispute for the appeal proceedings is based on Section 47 (1), Section 52 (1) and Section 63 (1) sentence 1 of the GKG.

Instructions on legal remedies

The appeal proceedings will continue as an appeal under the file number BVerwG 3 C 8.20 (/140721U3C8.20.0) . There is no need for the appellant to file an appeal.

The appeal must be substantiated within one month of service of this decision. The substantiation must be submitted to the Federal Administrative Court, Simsonplatz 1, 04107 Leipzig, in writing or electronically (pursuant to Section 55a (1) to (6) of the Code of Administrative Court Procedure (VwGO) and the Ordinance on the Technical Framework Conditions for Electronic Legal Transactions and on the Special Electronic Authority Mailbox of November 24, 2017, Federal Law Gazette I p. 3803).

The parties are required to be represented; this also applies to the substantiation of the appeal. The parties must be represented by authorized representatives within the meaning of Section 67 (4) sentences 3 to 6 of the Code of Administrative Court Procedure (VwGO), Section 5 No. 6 Alternative 2 of the RDGEG.