



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 July 2013

12451/13

**JUR 373
COMER 174
AGRI 492
AMLAT 25
USA 35
ACP 118**

INFORMATION NOTE

from :	Council Legal Service
to :	COREPER (2nd part)
Subject :	Case before the Court of Justice of the European Union - Case C-306/13 (LVP)

1. The Tribunal of First Instance of Brussels has by decision of 17 May 2013, lodged on 6 June 2013, requested the Court of Justice to give a preliminary ruling pursuant to Article 267 TFEU, pertaining to the validity of Council Regulation (EC) No 1964 of 29 November 2005 on the tariff rates for bananas (OJ L 316, 2.12.2005, p. 1).
2. The question referred to the Court of Justice is whether the above Regulation, as applied by the European Union for the period starting from 1 January 2006 up to and including 15 December 2009, is in breach of Article I, Article XIII, subparagraph 1, Article XIII, subparagraph 2 (d), Article XXVIII; and/ or any other applicable provision of GATT 1994, either separately or jointly, because it introduces a tariff rate for the import of bananas (CN code 0803 00 19) of EUR 176/tonne, in breach of the concessions negotiated by the EC for bananas, prior to a new negotiated agreement having been reached on the matter in the framework of the WTO.

3. The Council is, according to Article 23 of the Statute of the Court of Justice, entitled to submit observations within two months of receipt of the notification, in a case governed by Article 267 of the TFEU if the act, the validity or interpretation of which is in dispute, originates from the Council.
 4. The Director-General of the Council Legal Service has appointed Ms. Sonja BOELAERT and Ms Eva KARLSSON as the Council's agents in this case.
-