



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)

Subject: Case before the Court of Justice of the European Union
- Case **C-113/14** (Federal Republic of Germany v. European Parliament and Council of the European Union)
= Action for annulment of Article 7 of Regulation (EU) No 1308/2013 and Article 2 of Regulation (EU) No 1370/2013

1. By letter dated 11 March 2014, received the same day, the Council was notified of the Federal Republic of Germany's application (dated 10 March 2014) before the Court of Justice seeking the annulment of Article 7 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, as well as of Article 2 of Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products².

¹ OJ L 347, 20.12.2013, p. 671.

² OJ L 346, 20.12.2013, p. 12.

2. In its application, the Federal Republic of Germany considers that Article 7 of Regulation (EU) No 1308/2013 is a "*measure on fixing prices*" within the meaning of Article 43(3) TFEU and, as such, it should not have been based on Article 43(2) TFEU. The Federal Republic of Germany consequently seeks for the annulment of Article 7 of Regulation (EU) No 1308/2013 on the ground that the legal basis used is incorrect. For the sake of legal clarity and legal certainty, the Federal Republic of Germany also asks for the annulment of Article 2 of Regulation (EU) No 1370/2013, since the latter explicitly refers to Article 7 of Regulation (EU) No 1308/2013.
3. In view of protecting overriding interests and the legitimate expectations of agricultural holdings and on grounds of legal certainty, the Federal Republic of Germany requests that the effects of the aforementioned legal provisions be considered definitive in accordance with the second subparagraph of Article 264 TFEU, until provisions adopted on the correct legal basis enter into force.
4. The Council may, according to Article 124(1) of the Rules of Procedure of the Court of Justice, lodge a statement of defence within two months after service of the application.
5. The Director-General of the Council Legal Service has appointed Mr Giorgio MAGANZA, Director at the Council Legal Service, Mr Jan-Peter HIX and Ms Sveva BARBAGALLO, members of the same Service, as the Council's agents for this case.
