



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 November 2013

16261/13

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"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

No. prev doc.: 15475/1/13 REV 1
No. Cion doc.: 12636/13 - COM(2013) 527 final

Subject: Proposal for a Council Regulation fixing the production levies in the sugar sector for the marketing years 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, the coefficient required for calculating the additional levy for the marketing years 2001/2002 and 2004/2005 and the amounts to be paid by sugar manufacturers to beet sellers in respect of the difference between the maximum amount of the levies and the amount of these levies to be charged for the marketing years 2002/2003, 2003/2004 and 2005/2006
- Adoption

1. On 17 July 2013 the Commission submitted the above proposal, based on Article 43(3) TFEU, to the Council, together with a Commission Communication¹.

¹ Doc. 12631/13 - Communication from the Commission to the Council Commission Declaration Accompanying Commission proposal for a Council Regulation fixing the production levies in the sugar sector for the marketing years 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, the coefficient required for calculating the additional levy for the marketing years 2001/2002 and 2004/2005 and the amounts to be paid by sugar manufacturers to beet sellers in respect of the difference between the maximum amount of the levies and the amount of these levies to be charged for the marketing years 2002/2003, 2003/2004 and 2005/2006.

2. The proposal follows a judgment of the European Court of Justice² invalidating Commission Regulation (EC) No 1193/2009 and aims to fix new production levies for the marketing years 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006. By virtue of the new production levies to be fixed by the Council Regulation, Member States will be able to determine the sums unduly paid by the sugar sector over the period 2001-2006 and to be reimbursed with interest.
3. On 11 November 2013 the Special Committee on Agriculture took note of the broad support for the Presidency suggested amendments to the draft Regulation as set out in document 15475/1/13 REV 1³ and of the Presidency intention to set a silent deadline for its approval⁴.
4. Further to the expiry of that silent deadline on 14 November 2013, the Special Committee on Agriculture unanimously approved the above draft Regulation, subject to legal linguistic revision, together with the Commission statement set out in Annex. Denmark indicated a Parliamentary scrutiny reserve⁵.
5. In light of the above, the Special Committee on Agriculture invites the Council to:
 - adopt the draft Regulation as set out in document 16233/13⁶, as an "A" item at one of its next sessions; and
 - enter the Commission statement set out in Annex, in the minutes of that meeting.

² Joined Cases C-113/10, C-147/10 and C-234/10 Zuckerfabrik Jülich AG, British Sugar plc, Tereos of 27 September 2012.

³ See also Commission services Q&A document set out in doc. 15472/13.

⁴ CRS doc. 16152/13.

⁵ To be lifted on 22/11/2013.

⁶ To be distributed after legal linguistic revision.

Commission statement

The Commission confirms that the question whether, and under which conditions, in a given case, the decision of the national authorities on the collection of the sugar levy has become definitive or needs to be reviewed on the basis of the revised levy amounts included in the new Council Regulation is to be answered in accordance with the applicable national law.
