Council Regulation (EU) 2016/2145 of 1 December 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

COUNCIL REGULATION (EU) 2016/2145

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By its judgment of 7 September 2016 in Case C-113/14[(1)], the Court of Justice of the European Union ('the Court') annulled Article 7 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[(2)] determining the reference thresholds for agricultural products on the grounds that those thresholds should have been adopted by the Council only, on a proposal from the Commission, on the basis of Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

(2) The Court also annulled Article 2 of Council Regulation (EU) No 1370/2013[(3)] determining the level of the public intervention prices on the grounds that that Article is inextricably linked to the annulled Article 7 of Regulation (EU) No 1308/2013.

(3) The Court declared that the legal effects of Article 7 of Regulation (EU) No 1308/2013 and of Article 2 of Regulation (EU) No 1370/2013 were to be maintained for a maximum period of five months from the date of delivery of the judgment.

(4) It is therefore necessary to amend Regulation (EU) No 1370/2013 before the end of the five-month period by respectively inserting and amending the provisions on the reference thresholds and intervention price levels annulled by the Court and by making certain consequential adjustments.

(5) In view of the time-limit set by the Court in its judgment, this Regulation should enter into force on the date of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1370/2013 is amended as follows:

(1) The following Article is inserted:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/2145. (See end of Document for details)*

Article 1a

Reference thresholds

1 The following reference thresholds are fixed:

a for the cereals sector: EUR 101,31/tonne, related to the wholesale stage for goods delivered to the warehouse, before unloading;

b for paddy rice: EUR 150/tonne for the standard quality as defined in point A of Annex III to Regulation (EU) No 1308/2013, related to the wholesale stage for goods delivered to the warehouse, before unloading;

c for sugar of standard quality as defined in point B of Annex III to Regulation (EU) No 1308/2013, related to unpacked sugar, ex-factory:

(i) for white sugar: EUR 404,4/tonne;

(ii) for raw sugar: EUR 335,2/tonne;

d for the beef and veal sector: EUR 2 224/tonne for carcasses of male bovine animals of conformation/fat cover class R3 as laid down in the Union scale for the classification of carcasses of bovine animals aged eight months or more referred to in point A of Annex IV to Regulation (EU) No 1308/2013;

e for the milk and milk products sector:

(i) EUR 246,39 per 100 kg for butter;

(ii) EUR 169,80 per 100 kg for skimmed milk powder;

f for pigmeat: EUR 1 509,39/tonne for pig carcasses of a standard quality defined in terms of weight and lean meat content as laid down in the Union scale for the classification of pig carcasses referred to in point B of Annex IV to Regulation (EU) No 1308/2013, as follows:

(i) carcasses weighing from 60 to less than 120 kg: class E;

(ii) carcasses weighing from 120 to 180 kg: class R;

g for the olive oil sector:

(i) EUR 1 779/tonne for extra virgin olive oil;

(ii) EUR 1 710/tonne for virgin olive oil;

(iii) EUR 1 524/tonne for lampante olive oil with two degrees of free acidity; this amount shall be reduced by EUR 36,70/tonne for each additional degree of acidity.

2 The reference thresholds provided for in paragraph 1 shall be kept under review by the Commission, taking account of objective criteria, in particular developments in production, costs of production (particularly inputs) and market trends. When necessary, the reference thresholds shall be updated in accordance with the procedure laid down in Article 43(3) TFEU in the light of developments in production and markets.

3 References to reference thresholds in Regulation (EU) No 1308/2013 shall be construed as references to the thresholds fixed in paragraph 1 of this Article..

(2) Article 2 is replaced by the following: