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 products

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 products

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) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future' sets out potential challenges, objectives and orientations for the Common Agricultural Policy ('the CAP') after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including Council Regulation (EC) No 1234/2007[(1)]. In the context of the reformed regulatory framework, measures on fixing prices, levies, aid and quantitative limitations should be taken.

(2) For the sake of clarity and transparency, the provisions on public intervention should be made subject to a common structure, whilst maintaining the policy pursued in each sector. For that purpose, it is appropriate to distinguish between reference thresholds laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council[(2)] on the one hand and intervention prices on the other hand, and to define the latter. Only intervention prices for public intervention correspond to the applied administered prices referred to in the first sentence of paragraph 8 of Annex 3 to the WTO Agreement on Agriculture (i.e. market price support). In this context, it should be understood that market intervention can take the form of public intervention as well as other forms of intervention that do not use ex ante established price indications.

(3) The level of the public intervention price at which buying-in is carried out at a fixed price or under a tendering procedure should be provided for, including the cases for which an adjustment of the public intervention prices may be necessary. Equally, measures on quantitative limitations for carrying out the buying-in at a fixed price need to be taken. In both cases, the prices and quantitative limitation should reflect the practice and experience acquired under previous common market organisations.

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EU) No 1370/2013. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Regulation (EU) No 1308/2013 provides for the granting of aid for private storage as a market intervention measure. Measures on the fixing of the aid amounts need to be provided for. In view of the practice and experience acquired under previous common market organisations, it is appropriate to provide for the fixing of the aid amounts both in advance and by a tendering procedure, and for certain elements to be taken into account when the aid is fixed in advance.

(5) In order to ensure a sound budgetary management of the school fruit and vegetables scheme, a fixed ceiling of Union aid and maximum co-financing rates should be provided for. In order to allow all Member States to implement a cost-effective school fruit and vegetables scheme, a specified minimum amount of Union aid should be set.

(6) To ensure the proper functioning of the aid for the supply of milk and milk products to children in educational establishments and to ensure flexibility in the administration of such a scheme, a maximum quantity of milk eligible for aid, as well as the amount of Union aid, should be fixed.

(7) Pursuant to Regulation (EU) No 1308/2013, several measures in the sugar sector will expire at the end of the 2016/2017 marketing year for sugar when the system of quotas is abolished.

(8) Measures on the fixing of the production charge to be levied on the sugar quota, isoglucose quota and inulin syrup quota provided for in the sugar sector should be provided for in this Regulation in line with the prolongation of the quota system until 30 September 2017.

(9) To ensure an efficient production refund system for certain products of the sugar sector, appropriate conditions should be laid down to fix the amount of the production refund.

(10) A minimum price should be fixed for quota beet corresponding to a standard quality which should be defined, in order to ensure a fair standard of living for the Union growers of sugar beet and sugar cane.

(11) To avoid a threat to the sugar market situation due to the accumulation of quantities of sugar, isoglucose and inulin syrup for which the applicable conditions are not met, provision should be made for a surplus levy.

(12) A mechanism to ensure a sufficient and balanced supply of sugar to the Union markets has been set up in Regulation (EU) No 1308/2013, allowing the Commission to take the appropriate measures to achieve this. As the market management instruments putting this mechanism into practice are the temporary adjustments of the import duty payable on imported raw sugar as well as the temporary application of a levy on out of quota production released onto the internal market for the purposes of adjusting supply to demand, a specific provision enabling the Commission to apply such a levy and to fix its amount should be included in this Regulation.

(13) To ensure the proper functioning of the export refund system, appropriate measures should be provided for to fix the amount of the refunds. In addition, in the cereals and rice sectors, appropriate measures should be set to fix the corrective amounts and to

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provide for the adjustment of the refund amount in line with any changes in the level of the intervention price.

(14) To ensure an efficient day-to-day management of the CAP, the measures on fixing aid, refunds and prices set out in this Regulation should be limited to the broad conditions allowing concrete amounts to be laid down in the specific circumstances of each case. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to lay down those amounts. Those implementing powers should be exercised with the assistance of the Committee for the Common Organisation of the Agricultural Markets and in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(3)]. Furthermore, to ensure a swift response to fast changing market situations, the Commission should be empowered to fix new refund levels and, in the cereals and rice sectors, to adapt the corrective amount without applying Regulation (EU) No 182/2011,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

[[X1]This Regulation provides for measures on fixing prices, levies, aid and quantitative limitations related to the common organisation of agricultural markets established by Regulation (EU) No 1308/2013.**]**

Editorial Information

X1 Substituted by Corrigendum to 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 products (Official Journal of the European Union L 346 of 20 December 2013).

[*F1**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;

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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.**]**

Textual Amendments

F1 Inserted by 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.

[F2 Article 2

Public intervention prices

1 The level of the public intervention price:

a for common wheat, durum wheat, barley, maize, paddy rice and skimmed milk powder shall be equal to the respective reference threshold set out in Article 1a in the case of buying-in at a fixed price and shall not exceed the respective reference threshold in the case of buying-in by tendering;

b for butter shall be equal to 90 % of the reference threshold set out in Article 1a in the case of buying-in at a fixed price and shall not exceed 90 % of that reference threshold in the case of buying-in by tendering;

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c for beef and veal shall not exceed 85 % of the reference threshold set out in Article 1a.

2 The public intervention prices for common wheat, durum wheat, barley, maize and paddy rice referred to in paragraph 1 shall be adjusted by price increases or reductions to those prices based on the main quality criteria for the products.

3 The Commission shall adopt implementing acts determining the increases or reductions to the public intervention prices of the products referred to in paragraph 2 of this Article under the conditions laid down therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).**]**

Textual Amendments

F2 Substituted by 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.

Article 3

Buying-in prices and applicable quantitative limitations

1 Where public intervention is open pursuant to point (a) of Article 13(1) of Regulation (EU) No 1308/2013, buying-in shall be carried out at the fixed price referred to in Article 2 of this Regulation and shall not exceed the following quantitative limitations for each period referred to in Article 12 of Regulation (EU) No 1308/2013 respectively:

a for common wheat, 3 million tonnes;

b for butter, 50 000 tonnes;

c for skimmed milk powder, 109 000 tonnes.

[F3By way of derogation from the first subparagraph, in the year 2016, the quantitative limitations for the buying-in of butter and skimmed milk powder at fixed price shall be 100 000 tonnes for butter and 350 000 tonnes for skimmed milk powder. Any volumes bought in under a tendering procedure ongoing on 29 June 2016 shall not be counted against those quantitative limitations.**]**

[F4By way of derogation from the first subparagraph, in the year 2018, the quantitative limitation for buying-in skimmed milk powder at fixed price shall be 0 tonnes.**]**

[F5By way of derogation from the first subparagraph, the quantitative limitation for buying-in skimmed milk powder at a fixed price shall be 0 tonnes for the year 2019.**]**

2 Where public intervention is open pursuant to Article 13(1) of Regulation (EU) No 1308/2013:

a for common wheat, butter and skimmed milk powder beyond the quantitative limitations referred to in paragraph 1 of this Article; and

b for durum wheat, barley, maize, paddy rice and beef and veal,

buying-in shall be carried out by way of a tendering procedure to determine the maximum buying-in price.

The maximum buying-in price shall not exceed the relevant level referred to in Article 2(1) of this Regulation and shall be fixed by means of implementing acts.