

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

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

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<sup>(1)</sup>, 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<sup>(2)</sup> 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<sup>(3)</sup> 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:

---

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

---

- (1) Judgment of the Court of Justice of 7 September 2016, Germany v Parliament and Council, C-113/14, ECLI:EU:C:2016:635.
- (2) 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 1234/2007 (OJ L 347, 20.12.2013, p. 671).
- (3) 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 (OJ L 346, 20.12.2013, p. 12).

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EU) 2016/2145, Introductory Text.