



**COUNCIL OF
THE EUROPEAN UNION**



Brussels, 2 December 2013
17160/13
(OR. en)
PRESSE 519

Reimbursement of the levy paid in excess by the EU sugar sector

The Council adopted today a regulation fixing new production levies for the marketing years 2001/2002 to 2005/2006, by virtue of which Member States will be able to determine and reimburse with interest the sums unduly paid by the sugar sector over the period 2001-2006 ([16233/13](#)).

The regulation follows a judgment of the Court of Justice which annulled regulation 1193/2009 fixing the production levies in the sugar sector for the marketing years 2002/2003 to 2005/2006. The levies for the marketing years in question were originally set in regulation 1260/2001 on the common organisation of the markets (CMO) in the sugar sector but several judgments of the Court of Justice obliged the Commission to propose adjusted calculations in regulation 1193/2009.

In its judgment of September 2012, the Court ruled that the Commission had repeatedly erred in calculating the annual levies set for the period in question pursuant to regulation 1260/2001. Lastly, it found that the method used by the Commission in its regulation 1193/2009 to fix the levies was incorrect because it led to an over-estimation of the costs to be covered and to consequently over-charging sugar producers. As a result, the method to fix the production levies for marketing years 2001/2002 to 2005/2006 became invalid and the Court held that individuals were entitled to reimbursement of the excess sums unduly paid in respect of the invalid production levies collected by the member states over the period in question, as well as to the payment of interest on such sums.

P R E S S

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This regulation is one of the first legal acts to be adopted by the Council under Article 43(3) TFEU. Under this article it is incumbent upon the Council to adopt measures on fixing prices, levies, aid and quantitative limitations in the framework of the common agricultural policy.
