ASSUC
European Association of Sugar Traders

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## Advocate General recommends Tate & Lyle suit against Commission admissible to CJEU

On 14 October 2014, the Advocate General of the Court of Justice of the European Union (CJEU) has issued its opinion on the admissibility of *T&L Sugars and Sidul Açúcares v Commission* to the General Court. In this legal case, Tate & Lyle Sugars sues the Commission for the way in which Exceptional Measures were taken in 2010/2011. In his opinion, the Advocate General supported the appeal by Tate & Lyle Sugars by concluding that the Commission is liable for the Exceptional Measures in 2010/2011 and that the case is consequently admissible to the General Court. In its judgement, the General Court had before, supported the Commission's argument that the Commission is not accountable for the Exceptional Measures in 2010/2011 but Member States are and therefore the suit would fall outside the competency of the General Court. The final judgement on the admissibility of the case lays with the CJEU.

In *T&L Sugars and Sidul Açúcares v Commission,* Tate & Lyle Sugars argue that, in the context of the Exceptional Measures of 2010/2011, the Commission:

- had no power to effectively increase production quotas through reducing the out-of-quota surplus levy to 0 EUR;
- ignored the priority legally granted to import measures and full-time refiners;
- has favoured domestic producers over importing refiners;
- acted inappropriately and disproportionately when compensating the shortfall of imports by increasing supply from domestic production instead of allowing more imports;
- was infringing on legitimate expectations to not increase the production quota and maintain the balance between stakeholders;
- violated the principles of diligence, care and good administration by failing to act despite early warnings of market disturbances and manifestly took inappropriate measures which also upset the balance between different market operators.

The case is one of five cases that Tate & Lyle Sugars has filed against the Commission.
Please click here to find the opinion of the Advocate General

## EU prolongs trade preferences for Ukraine

The EU has prolonged until 31 December 2015 the unilateral preferencesgranted to Ukraine since 23 April 2014. Part of the preferences is a sugar import quota of annually 20 070 tonnes with the order number 09.3052. So far, there have been only two small imports in June and October. 20 684 tonnes are still available until 31 December 2014. From 1 January 2015 the complete 20 070 tonnes will be available again.

In the context of the current Ukrainian-Russian relations, the Council has adopted a decision postponing the bilateral entry into force of the EU-Ukraine trade agreement to 1 January 2016. The unilateral preferences granted by the EU to Ukraine since 23 April 2014 were initially set to expire on 31 October 2014.