



## Reports of Cases

### Order of the Court (Ninth Chamber) of 21 February 2013 — Isera & Scaldis Sugar and Others

(Case C-154/12)

(Article 99 of the Rules of Procedure — Agriculture — Common organisation of markets — Sugar — Regulation (EC) No 318/2006 — Article 16 — Regulation (EC) No 1234/2007 — Article 51 — Imposition of a charge on production — Validity — Lack of legal basis — Failure to state clear and unequivocal reasons — Infringement of the principle of non-discrimination — Infringement of the principle of proportionality)

1. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Limits — Clearly irrelevant questions and hypothetical questions put in a context not permitting a useful answer — Questions bearing no relation to the subject-matter of the case in the main proceedings (Art. 267 TFEU) (see para. 19)*
2. *Agriculture — Common organisation of the markets — Sugar — Production charge — Aim — Not in the nature of a fiscal charge — Tax constituting a common agricultural policy measure adopted on the basis of Article 37 EC (Council Regulation No 318/2006, recital 19 and Art. 16; Council Regulation No 1234/2007, Art. 51) (see paras 24-37)*
3. *Acts of the institutions — Statement of reasons — Obligation — Scope — Regulation No 318/2006 on the common organisation of the markets in the sugar sector (Art. 253 EC; Council Regulation No 318/2006, recital 19 and Art. 16; Council Regulation No 1234/2007, Art. 51) (see paras 39-41)*
4. *Agriculture — Common organisation of the markets — Sugar — Production charge — Basis of calculation — Quota allocated to undertakings — Infringement of the principles of proportionality and non-discrimination — Absence (Council Regulation No 318/2006, recital 14 and Art. 16; Council Regulation No 1234/2007, Art. 51) (see paras 45-48, 50-54)*
5. *European Union law — Principles — Proportionality — Common agricultural policy — Implementing measures — Discretion of the Community legislature — Judicial review — Limits — Measure which is manifestly inappropriate in relation to the aim pursued (see paras 51, 52)*

**Re:**

Request for a preliminary ruling — Tribunal de première instance de Bruxelles — Validity of Article 16 of Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector (OJ 2006 L 58, p. 1) — Interpretation of Articles 37(2) EC and 253 EC — Imposition of a charge on production in the ‘beet sugar’ sector — Lack of legal basis — Failure to state clear and unequivocal reasons — Discrimination as compared with other industries and as compared with other agricultural and non-agricultural sectors — Infringement of the principle of proportionality.

**Operative part**

Consideration of the question referred for a preliminary ruling has disclosed nothing capable of affecting the validity of Article 16 of Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector and Article 51 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).