



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 April 2014

8653/14

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INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject : Case T-66/14 before the General Court
- John Arnold BREDEKAMP and others v. Council of the European Union

1. By an application notified to the Council on 27 March 2014, Mr John Arnold Bredenkamp and several companies owned by him have brought an action before the General Court seeking compensation for damages under Article 340, second paragraph, of the Treaty on the Functioning of the European Union;
2. The applicants invoke the following grounds in support of their request for compensation of damages:
 - a) Lack of proper legal basis, since their listing could not be based on Articles 60 and 301 EC only, which concern exclusively provisions vis-a-vis third countries, not private individuals and companies;

- b) Manifest errors of fact in failing to show any strong ties to the Government of Zimbabwe or financial or other support for the regime, thereby failing to satisfy the Council's burden of proof and resulting in an unlawful decision making process;
 - c) Violation of essential procedural requirements by failing to give any or sufficient reasons, and failing to give the Applicants the opportunity to be heard or make exculpatory submissions;
 - d) Violation of fundamental principles of EU law as also enshrined in Article 1 of the First Additional Protocol to the European Convention on Human Rights, by unlawfully restricting the Applicants' rights to their own property.
3. In accordance with Article 46(1) of the Rules of Procedure of the General Court, the Council has to lodge its statement of defence within two months of receipt of the notification of the application. The Director-General of the Council Legal Service has appointed Mr Bart DRIESSEN and Ms Eugenia DUMITRIU SEGNANA, legal advisers in the Council Legal Service, as the Council's agents in this case.
