



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : Council Legal Service
to : Permanent Representatives' Committee (part 1)

Subject : **Case before the General Court**

- **Case T-225/13 (T&L Sugars Ltd and Sidul Açúcares Unipessoal Lda against European Commission)**

- **Application** for annulment of Commission Implementing Regulations (EU) No 131/2013, No 281/2013, No 194/2013 (EU) No 194/2013, No 36/2013, No 67/2013 and No 178/2013 and

- plea of illegality** against Articles 186(a) of Council Regulation (EC) No 1234/2007 and

- plea of illegality** against Commission Regulations (EU) No131/2013, No 281/2013 and (EU) No 36/2013 and

- request for damages** as result of the Commission's breach of its legal obligations, including interest thereupon.

- = **Council intervention** before the General Court in support of the Commission

1. By Application lodged at the General Court of the European Union on 12 June 2013, T&L Sugars Ltd and Sidul Açúcares Unipessoal Lda have brought an action, pursuant to Article 263(4) TFEU and 277 TFEU, against the European Commission,

- (a) for the annulment of:
- Commission Implementing Regulation (EU) No 131/2013 and 281/2013 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2012/2013;
 - Commission Implementing Regulation (EU) No 194//2013 and 332/2013 fixing allocation coefficient fixing for available quantities of out-of- quota sugar to be sold on the Union market at reduced surplus levy;
 - Commission Implementing Regulation (EU) No 36/2013 opening a standing invitation to tender for the 2012/2013 marketing year for import of sugar of CN codes 1701 14 10 and 1701 99 10 at a reduced customs duty;
 - Commission Implementing Regulation (EU) No 67/2013 on the minimum customs duty to be fixed in response to the first partial invitation to tender;
 - Commission Implementing Regulation 178/2013 on the minimum customs duty to be fixed in response to the second partial invitation to tender; or
- (b) in the alternative, to declare the plea of illegality against Article 186(a) of Regulation 1234/2007 admissible and well founded and to declare those provisions illegal, as well as annul the Contested Regulations, which are directly or indirectly based on those provisions; and,
- (c) to condemn the European Union as represented by the Commission to repair any damage suffered by the applicants as a result of the Commission's alleged breach of its legal obligations, pursuant to Article 340(2) TFEU, as well as interest on the amount payable.
2. The Applicants raise a plea of illegality in accordance with Article 277 TFEU, against Article 186(a) and Council Regulation (EC) No 1234/2007 for having introduced modifications to the provisions contained in Council Regulation (EC) No 318/2006

3. Since the Applicants thus call into question the legality of Council Regulation (EC) No 1234/2007, the Council has to intervene in this case, in order to defend the legality of its act. In accordance with the Council's practice, the Council agents will limit their arguments to the defence of the legality of this act.

4. The Director-General of the Council Legal Service has appointed Ms Eva KARLSSON and Ms Andrea WESTERHOF LÖFFLEROVÁ, legal advisers in the Council Legal Service, as the Council's agents in this case. The agents have presented, on behalf of the Council, an application to intervene pursuant to Articles 53 and 40 of the Statute of the Court of Justice and to Article 115(1) of the Rules of Procedure of the General Court.
