



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 September 2013**

**13676/13**

**JUR 472  
AGRI 570  
AGRIORG 107**

**INFORMATION NOTE**

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from : Council Legal Service  
to : Permanent Representatives' Committee (part 1)  
Subject : **Case C-456/13 P before the Court of Justice - Appeal brought by T&L Sugars Ltd and Sidul Açúcares, Unipessoal Lda against the judgment of the General Court of 6 June 2013**

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1. By Application lodged at the Court of justice on 9 August 2013 and notified to the Council on 26 August 2013, the Appellants have lodged an appeal against the judgment of the General Court of 6 June 2013, in Case T-279/11 by which the General Court dismissed the application as inadmissible in so far as it seeks the annulment of Commission Regulation (EU) No 222/2011 of 3 March 2011 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 2010/2011 <sup>1</sup>; Commission Regulation (EU) No 293/2011 of 23 March 2011 fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of- quota sugar to be sold on the Union market at reduced surplus levy <sup>2</sup>; Commission Regulation (EU) No 302/2011 of 28 March 2011 opening an exceptional import tariff quota for certain quantities of sugar in the 2010/11 marketing year <sup>3</sup> and Commission Regulation (EU) No 393/2011 of 19 April 2011

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<sup>1</sup> OJ L 60, 5.3.2011, p. 6.

<sup>2</sup> OJ L 79, 25.3.2011, p. 8.

<sup>3</sup> OJ L 81, 29.3.2011, p. 8.

fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 April 2011 for sugar products under certain tariff quotas and suspending submission of applications for such licences <sup>4</sup>. In paragraph 97 of its judgment, the General Court considered that as the action for annulment was admissible, it followed that the plea of illegality against Articles 186(a) and 187 of Council Regulation (EC) No 1234/2007 <sup>5</sup> had also to be rejected.

2. Since the Applicants request that the above-mentioned judgment be set aside, to the extent it dismisses as inadmissible their action for annulment and rejects their related pleas of illegality which called into question the legality of some provisions of Council Regulation (EC) No 1234/2007, the Council has to lodge a response to the appeal in this case, in order to defend the validity of this judgment.
3. The Council is invited to submit its response in accordance with Article 172 of the Rules of Procedure of the Court of Justice, within a time-limit which will expire on 5 November 2013.
4. The Director-General of the Council Legal Service has appointed Mr Eric SITBON and Ms. Andrea WESTERHÖF LÖFFLEROVÁ, legal advisers in the Council Legal Service, as the Council's agents in this case.

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<sup>4</sup> OJ L 104, 20.4.2011, p. 39.

<sup>5</sup> 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), OJ L 299, 16.11.2007, p. 1.