



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 September 2013

14127/13

**JUR 495
AGRI 610
AGRIORG 121**

INFORMATION NOTE

from : Council Legal Service

to : Permanent Representatives' Committee (part 1)

Subject : **Case before the General Court**

- **Case T-386/13 (Kėdainių rajono Okainių ŽŪB and Others v Council of the European Union and European Commission)**
-

1. By an application notified to the Council on 7 August 2013, the Applicants have brought an action before the General Court of the European Union, pursuant to Articles 263 and 277 TFEU, against the European Commission,

(a) for the annulment of:

- Commission Implementing Decision C(2012) 4391 final of 2 July 2012 authorising complementary national direct payments in Lithuania for 2012 (submitted by K(2012) 4391) in accordance with Article 263 TFEU;

- (b) in the alternative, for the General Court to declare inapplicable the last paragraph of Article 132(2) of Council Regulation (EC) No 73/2009, governing complementary national direct payments and direct payments, which provides that "*The total direct support which a farmer may be granted in the new Member States after accession under the relevant direct payment, including all complementary national direct payments, shall not exceed the level of direct support a farmer would be entitled to receive under the corresponding direct payment then applicable to the Member States in the Member States other than the new Member States, taking into account, from 2012, the application of Article 7 in conjunction with Article 10*" in accordance with Article 277 TFEU;
 - (c) to declare inapplicable Article 10 of Council Regulation (EC) No 73/2009, which governs the specific rules for modulation in the new Member States: "[...] *taking into account any reductions applied under Article 7(1)*" in accordance with Article 277 TFEU;
 - (d) order the defendants to pay all costs incurred by the Applicants.
2. Whereas agents should therefore be appointed to represent the Council before the Court of Justice in this case, in order to defend the validity of the Regulation adopted by the Council.
 3. The Director-General of the Council Legal service has appointed Ms Eva KARLSSON and Ms Jurate VAICIUKAITE, legal advisors at the Legal Service of the Council, as the Council's agents in this Case.