



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 22 October 2013
(OR. en)**

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INFORMATION NOTE

From: Legal Service

To: Permanent Representatives Committee (Part 1)

Subject: **Case before the General Court**

- **Case T-411/13(T&L Sugars Ltd and Sidul Açúcares Unipessoal Lda against European Commission)**
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1. By Application lodged at the General Court of the European Union on 5 August 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 Regulations (EU) No 505/2013 and 629/2013 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 Regulations (EU) No 574//2013 and 677/2013 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 460/2013 on the minimum customs duty to be fixed in response to the third partial invitation to tender;
 - Commission Implementing Regulation 542/2013 on the minimum customs duty to be fixed in response to the fourth 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.
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