



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 January 2012

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INFORMATION NOTE

from: Council Legal Service
to: Permanent Representatives' Committee (part 2)
Subject: **Case C-573/11 P before the Court of Justice (ClientEarth vs. Council of the European Union)**
- Appeal against the Order of the General Court (Sixth Chamber) of 6 September 2011 in Case T-452/10

1. By an application lodged with the Court of Justice on 15 November 2011 and served on the Council on 15 December 2011, ClientEarth has brought an appeal before the Court of Justice against the General Court's Order of 6 September 2011 in Case T-452/10 (ClientEarth vs. Council of the European Union) by which the latter dismissed the application as manifestly inadmissible.
2. In the said Order, the General Court found that the Applicant did not comply with the requirement laid down in Article 19 of the Statute of the Court of Justice of the European Union to be properly represented before the Courts of the European Union, insofar as the lawyer representing the Applicant before the General Court - one of ClientEarth's seven trustees - was not sufficiently detached from the legal person which he was representing.

The General Court concluded that, since the application had not been brought in accordance with Article 19 of the Statute and, consequently, with Article 43(1) of the Rules of Procedure of the Court of Justice, the action had to be dismissed as manifestly inadmissible.

3. In its appeal, the Applicant invokes a sole plea in law, notably the misapplication by the General Court of Article 19 of the Statute of the Court of Justice of the European Union and Article 43(1) of the Rules of Procedure Court of Justice in the contested order, as far as the legal requirements of "independence" and "third party" are concerned.

4. According to Article 115 of the Rules of Procedure of the Court of Justice, the Council may lodge a response within two months after service on it of notice of the appeal. The time-limit for lodging a response will expire on 27 February 2012. The Director-General of the Council Legal Service has appointed Mr Bart DRIESSEN and Ms Csilla FEKETE, members of the said Legal Service, as the Council's agents in this case.
