



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 July 2012

12113/12

**JUR 368
RELEX 625
PESC 849
COTER 74**

INFORMATION NOTE

from: Council Legal Service
to: Permanent Representatives' Committee (part 2)
Subject: **Case C-239/12 P before the Court of Justice - Appeal brought by Abdulbasit Abdulrahim against the Order of the General Court of 28 February 2012**

1. By application lodged with the Court of Justice on 18 May 2012 and notified to the Council on 23 May 2012, the appellant has lodged an appeal against the Order of the General Court in Case T-127/09 of 28 February 2012 by which the Court found that there was no longer any need to adjudicate on the application for annulment which had been brought, and dismissed the claim for damages (Case C-239/12 P).
2. The appellant argues that the General Court erred in law when it failed to hear the Advocate General, and/or invite representations from the applicant as to whether the oral procedure should be opened, and/or open the oral procedure on the question as to whether the application for annulment had become devoid of purpose before determining the matter. The appellant also argues that the General Court erred in law in finding that the action for annulment was not capable of conferring material advantage upon the applicant.

3. The Director General of the Legal Service of the Council has appointed Ms Emer FINNEGAN and Mr Guillaume ETIENNE, legal advisors in the Legal Service of the Council, as the Council's agents in this case.
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