



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 September 2012

13874/12

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COASI 156**

INFORMATION NOTE

from : the Legal Service
to : COREPER (2nd part)
Subject : **Case before the Court of Justice of the European Union**
- Case C-377/12 (European Commission against Council of the European Union)

1. The Registrar of the Court of Justice of the European Union notified the Council on 8 August 2012 that the European Commission had lodged an application for the annulment of the Decision of the Council of 14 May 2012 on the signing, on the behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part (2012/272/EU).
2. The application is founded on a single plea of law:
 - violation by the Council of the rules of the Treaties and the case-law of the Court in relation to the choice of the legal basis for the adoption of a Union measures, including a decision on the signature of an international agreement.
3. The Council may, according to Article 40(1) of the Rules of Procedure of the Court of Justice, lodge a statement of defence within one month after service of the application.

4. The Director General of the Legal Service of the Council has appointed Mr Alessandro VITRO and Mr Jan-Peter HIX, legal advisors in the said service, as the Council's agents in this case.
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