



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : Council Legal Service
to : Permanent Representatives' Committee (part 1)
Subject : **Case before the General Court**

- **Case T-335/12 (T&L Sugars Ltd and Sidul Açúcares Unipessoal Lda against European Commission)**
 - **Application** for annulment of Commission Implementing Regulations (EU) No 367/2012, No 397/2012, No 1239/2011 as amended by Regulation (EU) No 356/2012, No 382/2012, No 444/2012 and No 485/2012 and **plea of illegality** against Articles 186(a) and 187 of Council Regulation (EC) No 1234/2007 and **plea of illegality** against Commission Regulations (EU) No 367/2012 and No 1239/2011 as amended by Commission Regulation (EU) 356/2012
 - = **Council intervention** before the General Court in support of the Commission
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1. By Application lodged at the General Court of the European Union on 19 July 2012, 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 for
 - (a) the annulment of six Commission Implementing Regulations (EU) No 367/2012, No 397/2012, No 1239/2011 as amended by Regulation (EU) No 356/2012, No 382/2012, No 444/2012 and No 485/2012,

- (b) in the alternative, (i) declaring the plea of illegality against Articles 186(a) and 187 of Council Regulation (EC) No 1234/2007¹ admissible and well founded and to declare those provisions illegal to the extent these do not correctly transpose the relevant provisions of Council Regulation (EC) No 318/2006, as well as annul the Contested Regulations, which are directly or indirectly based on those provisions, and (ii) declaring the plea of illegality against Commission Regulations (EU) No 367/2012 and No 1239/2011 as amended by Commission Regulation (EU) 356/2012 admissible and well founded, and
- (c) the condemnation of 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.
2. The Applicants raise a plea of illegality in accordance with Article 277 TFEU, against Articles 186(a) and 187 of Council Regulation (EC) No 1234/2007 for an alleged violation of an essential procedural requirement relating to the way the European Parliament was consulted.
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 and will not intervene on other points.
4. The Director-General of the Council Legal Service has appointed Mr Eric SITBON and Mrs Andrea WESTERHOF LÖFFLEROVÁ, legal advisers in the Council Legal Service, as the Council's agents in this case. The agents have presented, on behalf of the Council, an application to intervene pursuant to Articles 53 and 40 of the Statute of the Court of Justice and to Article 115(1) of the Rules of Procedure of the General Court.

¹ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), OJ L 299, 16.11.2007, p. 1.