



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 October 2012

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SAN 250
AGRI 703

INFORMATION NOTE

from: Council Legal Service

to: Coreper 1

Subject: **Case before the General Court**

- **Case T-334/12 (PlantaVis GmbH and NEM v. European Commission and EFSA)**
 - **Application for annulment** of Commission Regulation (EU) No 432/2012 together with Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods
= **Council intervention** before the General Court in support of the Commission and EFSA
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1. On 25 July 2012, PlantaVis GmbH and NEM brought an action under Article 263(4) TFEU against the Commission and EFSA for annulment of Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health ('Contested Regulation') together with Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ('Claims' Regulation').

2. The Contested Regulation is based on Article 13(3) of the Claims Regulation.
 3. The applicants submit that the Contested Regulation and the Claims' Regulation must be annulled, among others, because of breaches of the right of freedom of expression.
 4. Since the applicants call into question the legality of the Claims' Regulation, the Council has to intervene in this case, in order to defend the legality of this act for which the Council is a co-legislator. 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.
 5. The Director-General of the Council Legal Service has appointed Ms Marion SIMM and Ms Inese ŠULCE, legal advisers in the Council Legal Service, as the Council's agents in this case.
 6. The agents will present, on behalf of the Council, an application to intervene pursuant to Article 40 of the Statute of the Court of Justice and to Article 115(1) of the Rules of Procedure of the General Court.
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