



Council of the
European Union

Brussels, 18 January 2017
(OR. en)

12645/11
DCL 1

CAB 41
CSC 53
JUR 357

DECLASSIFICATION

of document: ST 12645/11 RESTREINT UE
dated: 7 July 2011
new status: Public

Subject: Legal proceedings brought by the Council

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 July 2011

12645/11

RESTREINT UE/EU RESTRICTED

**CAB 41
CSC 53
JUR 357**

"I" ITEM NOTE

From : The Secretary-General

To : The Permanent Representatives' Committee (2nd part)

No. prev. doc. : 7917/11 RESTREINT UE/EU RESTRICTED

Subject : Legal proceedings brought by the Council

1. This note sets out the position to be taken on behalf of the Council regarding the judicial action brought by the Council after the discovery of a number of illicit phone listening devices in the Justus Lipsius building in 2003 (see the information note to COREPER on 17 March 2011, doc. 7917/11 RESTREINT UE/EU RESTRICTED).
2. In a letter dated 10 January 2011, the registrar of the Chamber of the Council of the Brussels Court of First Instance informed the GSC that the Chamber intended to reach its procedural findings in the case on 13 September 2011. The Federal Prosecutor has recommended the case be closed without further action. The letter invited the Council to present itself as a civil party at the said hearing.

3. In accordance with Article 127 of the Belgian Criminal Investigation Code, the Council has to determine before the hearing on 13 September 2011 whether it wishes to request additional investigations from the investigating magistrate. The relevant services of the directly affected Member States and the GSC have analysed the case file as indicated in document 7917/11 and have concluded that there are no new indications that would lead the Council to request the investigating magistrate to undertake additional investigations.
4. In the light of the foregoing, COREPER is invited to agree that:
- the Council will not request additional investigations in this case; the Secretary-General will formally notify the investigating magistrate accordingly;
 - the GSC will attend the hearing on 13 September 2011 on behalf of the Council as civil party in order to take note of the Chamber's verdict; the Secretary-General will designate a GSC official to attend on behalf of the Council.

The Presidency will ensure that a coordinated press line is prepared in the Antici Group prior to the hearing in September.