



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 31 March 2014**

**8392/14**

**JUR 202  
COMPET 203**

**INFORMATION NOTE**

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from : Legal Service

to : Permanent Representatives Committee (part I)

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Subject : **Case C-99/14 P before the Court of Justice - Appeal brought by Federación Nacional de Empresarios de Minas de Carbón ("Carbunión") against the order of the General Court of 12 December 2013**

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1. By application lodged with the Court of Justice on 28 February 2014 and notified to the Council on 5 March 2014, the Appellant has lodged an appeal against the order of the General Court in [Case T-176/11](#) of 12 December 2013 by which the General Court dismissed the application for partial annulment of Council Decision [2010/787/EU](#) of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines<sup>1</sup> on the grounds that the contested provisions are not severable from the remainder of the Decision.
2. In its appeal, the Appellant submits that the General Court's findings are vitiated by several errors of law and invokes five grounds of appeal:
  - a) The General Court erred in law when it found that the Contested Provisions are not severable from the remainder of the Decision;

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<sup>1</sup> [OJ L 336, 21.12.2010, p. 24](#)

- b) The General Court erred in law when considering that Article 7 of the Decision would serve no purpose without the Contested Provisions;
  - c) The General Court erred in law in its interpretation of the annulment of Article 3(1) indent (a) of the Decision;
  - d) The General Court erred in law in its interpretation of the condition enshrined in Article 3(1) indent (f) of the Decision, and
  - e) The General Court erred in law in concluding that the severability of the Contested Provisions would alter the spirit and substance of the Decision.
3. The Council is invited to submit a response, in accordance with Article 172 of the Rules of Procedure of the Court of Justice, within two months of the service of the notification of the appeal.
4. The Director General of the Legal Service of the Council has appointed Mr. Fernando FLORINDO GIJÓN and Mrs Petra MAHNIČ BRUNI, legal advisers in the Legal Service, as the Council's agents in this case C-99/14 P.
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