



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 1 July 2014
(OR. en)**

11458/14

**JUR 392
RELEX 560
PESC 708
COMEM 115
CONOP 57**

INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 2)
Subject: Cases before the EU General Court:
- Case T-316/14 (Kurdistan Workers' Party (PKK) v. Council of the European Union)

1. By application of 1st of May 2014, which was notified on 18 June 2014 to the Council by the General Court of the European Union, the Kurdistan Workers' Party (PKK) has brought an action before the General Court for the annulment of Council Implementing Regulation (EU) No 125/2014, insofar as the applicant is concerned, and to declare Council Regulation (EC) 2580/2001 inapplicable to the applicant.
2. The Applicant raises the following pleas in law:
 - failure to observe the law of armed conflict and violation of the principle of non-interference;
 - the applicant cannot be qualified as a "terrorist organization" as defined in Article 1(3) of Council Common Position 2001/931/CFSP;
 - no decision by a competent authority as required by Article 1(4) of Council Common Position 2001/931/CFSP has been taken;

- Implementing Regulation 125/2014 is in part based on information obtained through torture or ill-treatment, thereby failing to respect the fundamental rights, observe the principles and promote the application thereof in accordance with Art. 51 of the Charter of Fundamental Rights;
 - the Council has not conducted any proper review as required by Article 1(6) of Council Common Position 2001/931/CFSP;
 - Implementing Regulation 125/2014 does not comply with the requirements of proportionality and subsidiarity;
 - this decision does not comply with the obligation to state reasons in conformity with Article 296 TFEU;
 - it infringes upon the applicant's right of defence and its right to effective judicial protection.
3. In accordance with Article 46(1) of the General Court's Rules of Procedure, the Council has to lodge a statement of defence within two months of the date on which the application was notified to it.
4. The Director-General of the Legal Service of the Council has appointed Mr Frederik NAERT and Mr Guillaume ETIENNE, legal advisors in the said service, as the Council's agents in this case.
-