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INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 1)
Subject: Case C-547/14 (The Queen on the application of Philip Morris Brands and others)

1. By order of 7 November 2014, notified by the Registrar of the Court of Justice to the General Secretariat of the Council on 9 January 2015, the High Court of Justice, Queen's Bench Division, Administrative Court, has requested the Court of Justice to give a preliminary ruling pursuant to Article 267 of the Treaty on the Functioning of the European Union on the validity and interpretation of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC¹, hereinafter "the Directive".

2. The High Court of Justice refers a series of questions to the European Court of Justice related to the validity of the Directive or respectively certain provisions thereof on grounds of:
 - lack of adequate legal basis,

¹ OJ L 127, 29 April 2014, p. 1.

- violation of the principle of proportionality and fundamental rights,
- infringement of Articles 290 and 291 TFEU and of the principle of legal certainty,
- failure to comply with the principle of subsidiarity.

The questions on the validity of Article 24(2) and Article 13 of the Directive are linked to questions of interpretation of these provisions.

3. The Council is, according to Article 23 of the Statute of the Court, entitled to submit observations within two months of receipt of the notification, in a case governed by Article 267 of the Treaty if the act, the validity or interpretation of which is in dispute, originates from the Council.

4. The Director-General of the Legal Service of the Council has appointed Ms Marion SIMM, Mr Joachim HERRMANN and Mr Olivier SEGNANA, legal advisers in the said service, as the Council's agents in this case.
