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**"I" ITEM NOTE**

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From: Legal Service  
To: Permanent Representatives Committee (Part 2)  
Subject: Case T-658/14 (Jurašinić against the Council of the European Union)  
- Production of documents before the General Court

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1. In the context of the proceedings in Case T-658/14<sup>1</sup>, the General Court has ordered on 22 April 2015 that the Council produces before it an integral copy of the documents listed in Annex III to the Council's confirmative decision of 8 July 2014 and consisting in the correspondence exchanged with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the framework of Mr Gotovina's trial. The Council only partially disclosed these documents following the General Court's judgment in case T-63/10 which had partially annulled its previous reply to the Applicant's confirmatory application.<sup>2</sup>
2. Under Article 19(7)(b) of the Council's Rules of Procedure, Coreper is entitled to authorise such production.

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<sup>1</sup> Cf. information note from the Legal Service is set out in doc. 16038/14.

<sup>2</sup> Cf. information note from the Legal Service on the General Court's judgment of 3 October 2012, doc. 17399/1/12

3. The Legal Service points out that the Coreper has already authorised the production of the same documents in the framework of the judicial proceedings in case T-63/10<sup>3</sup> and that the ICTY already indicated in the framework of those proceedings that it had no objection to the Council's production of the documents originating from it. Moreover, in accordance with Article 67(3), third subparagraph, of the General Court's Rules of Procedure, these documents will not be communicated to the other parties to the proceedings. The Legal Service considers therefore that it would be appropriate to produce to the General Court the requested documents.<sup>4</sup>
  
  4. The Council's Legal Service therefore recommends that the Permanent Representatives Committee decide, in accordance with Article 19(7) of the Council's Rules of Procedure, to authorise production of the above-mentioned documents before the General Court.
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<sup>3</sup> Cf doc. 6379/12

<sup>4</sup> A list of the requested documents figures in Annex III to doc. 11390/14