



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2010

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**JUR 213
PECHE 71**

INFORMATION NOTE

from: Council Legal Service

to: Permanent Representatives' Committee (part 1)

Subject: **Case before the General Court of the European Union**

- Case **T-121/10** (Giovanni CONTE and Others v. Council of the European Union)
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1. By an application notified to the Council on 24 March 2010, Mr Giovanni Conte and four other Italian applicants (owners and operators of fishing vessels as well as producer organisations in the fisheries sector) brought an action before the General Court, pursuant to Article 263 TFEU, for the annulment of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006¹ (the "contested Regulation"), and in particular of its Articles 9 and 10, Article 14(1) to (5), Article 58(1) - (3) and (5), Article 59(2) and (3), Article 60(4) and (5), Article 62(1), Article 63(1), Articles 64 and 65, Article 66(1) and (3), Article 67(1), Article 68, Article 73(8), Article 92(2) and Article 103.

¹ OJ L 343, 22/12/2009, p. 1.

2. The Applicants claim to have *locus standi* to request annulment of the contested Regulation on the basis of Article 263(4) *in fine* of the TFEU as, in their view, the contested Regulation is a regulatory act which is of direct concern to them and does not entail implementing measures.
3. They further claim that the contested Regulation is invalid on the grounds of infringement of the Treaties or the rule of law relating to their application and on the grounds of misuse of powers. They invoke in particular a breach of the principle of proportionality, of the principle of legality, of the right to property, of the right of defence, of the principle of good administration, of the obligation to state the reasons, as well as the use of incorrect legal basis (Article 37 EC).
4. According to Article 46(1) of the Rules of Procedure of the General Court, the Council must lodge a statement of defence within two months of the date on which the application was notified to it. The Director-General of the Council Legal Service has appointed Ms Andrea WESTERHOF LÖFFLEROVÁ and Ms Anna LO MONACO, Legal Advisors of the said Legal Service, as the Council's agents in this case.
