



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 28 July 2010**

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**INFORMATION NOTE**

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from: Council Legal Service

to: COREPER (2nd part)

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Subject : **Case before the Court of Justice of the European Union:**  
- Case **C-355/10** (European Parliament v. Council of European Union)  
= Application under Article 263 TFEU for annulment of Council Decision  
2010/252/EU

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1. By application under Article 263 TFEU, notified to the Council on 26 July 2010, the European Parliament asked the Court to annul Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union <sup>1</sup>.
2. In support of its action for annulment, the European Parliament argues that the Council in adopting the contested decision exceeded the implementing powers set out in Article 12(5) of the Schengen Borders Code<sup>2</sup> to adopt additional measures governing border surveillance.

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<sup>1</sup> OJ L 111, 04.05.2010, p. 20.

<sup>2</sup> Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing Community Code on the rules governing the movement of persons across borders (OJ L 105, 13.4. 2006, p. 1.

3. The Council is invited to submit a statement of defence, in accordance with Article 40(1) and Article 81(2) of the Rules of Procedure of the Court of Justice.
  
  4. The Director-General of the Council Legal Service has appointed Ms Zuzana KUPČOVÁ and Mr Richard SZOSTAK, Legal Advisors at the Legal Service of the Council, as the Council's agents in this case.
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