



Brussels, 2 October 2014
(OR. en)

13867/14

JUR 699
ENV 803
AGRI 612

INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee (Part 1)
Subject: Case before the Court of Justice of the European Union
- Case T-560/14 (ABZ Aardbeien Uit Zaad Holding BV and Others v European Parliament and Council of the European Union) - action for annulment of Regulation 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union

1. The above-mentioned case was served on the Council on 4 August 2014¹. The applicants, who are plant breeders, seek the annulment of Parliament and Council Regulation 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union².
2. In support of their case, the applicants have raised five pleas in law: breach of the Union's international obligations (1) under the International Convention for the Protection of New Varieties, and (2) under the Convention on Biodiversity read in the light of Article 3(5) TFEU; (3) breach of the principle of conferral in as much as Article 114 TFEU should have been the proper legal basis instead of Article 192 TFEU; (4) manifest disproportionality contrary to Article 5(4) TEU; (5) breach of the principle of legal certainty.

¹ Delegations were notified by e-mail from the Legal Service on 28 August 2014.

² OJ L150/59 of 20.5.2014.

3. The Director-General of the Council Legal Service has nominated Mr Matthew MOORE and Ms Marion SIMM, legal advisers, as the Council's agents in this case. The deadline for the submission of the Council's defence is 31 October 2014.
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