

Committee on Legal Affairs
The Chairman

Ref. D(2012)32857

Mr Martin SCHULZ
President of the European Parliament
PHS 09 B 11
Brussels

310589 21.06.2012

**Subject: Recommendation from the Committee on Legal Affairs concerning
Case T-301/10, *Sophie in 't Veld v. Commission***

Dear President,

I am writing to transmit to you a recommendation which the Committee on Legal Affairs has made under Rule 128(4) for Parliament to intervene in Case T-301/10 *Sophie in 't Veld v. Commission* with a view to seeking annulment of the decision of the Commission of 4 May 2010 refusing to grant the applicant full access to documents concerning the negotiations of the Anti-Counterfeiting Trade Agreement (ACTA). This recommendation was adopted by the Committee on 19 June 2012 with 11 votes in favour, 10 against and no abstentions¹.

Pursuant to Article 115(1) of the Rules of Procedure of the General Court, the application to intervene must be made either within six weeks of the publication of the notice regarding an application initiating proceedings, or before the decision to open the oral procedure. Given that the notice was published in the Official Journal on 25 September 2010², the six-week deadline has elapsed. However, as a date for a hearing has not yet been set according to the information available on the Court's website³, an intervention in the form of submission of observations during the oral procedure would still be possible.

Background

The case concerns an action brought on 14 July 2010 by Ms in 't Veld in order to seek annulment of the decision of the Commission of 4 May 2010 refusing full access to documents concerning the ACTA negotiations as requested by the applicant pursuant to Regulation (EC) No 1049/2001⁴.

¹ The following Members were present: Raffaele Baldassarre, Sebastian Valentin Bodu, Piotr Borys, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Eva Lichtenberger, Antonio Masip Hidalgo, Alajos Mészáros, Evelyn Regner, Francesco Enrico Speroni, Keith Taylor, Alexandra Thein, Patrice Tírolien, Axel Voss, Cecilia Wikström, Janusz Władysław Zemke, Tadeusz Zwiefka.

² OJ C 260, 25.9.2010, p. 18.

³ http://curia.europa.eu/jcms/jcms/j_6/

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2011 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

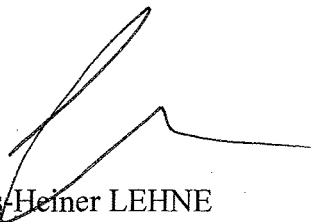
By letter of 5 June 2012, the Chair of the Committee on Civil Liberties, Justice and Home Affairs, Juan Fernando López Aguilar, submitted for consideration to the Legal Affairs Committee "the possibility for Parliament to intervene in Case T-301/10 *Sophie in 't Veld v European Commission*."

In his letter, Mr López Aguilar states that the action is supported by his committee's rapporteur, Mr Droutsas, the shadow rapporteurs for the ACTA file and the committee coordinators. He further refers to the fact that "the transparency regarding ACTA negotiations has been a heavily debated subject and has made the object of parliamentary resolutions and questions and it has also been an issue raised in the report of Mr Droutsas on the compatibility of ACTA with fundamental rights".

The Legal Affairs Committee voted by 11 votes to 10 to recommend that Parliament intervene in support of Ms in 't Veld even though the case does not involve the validity of an act adopted by the Parliament and it should only be in exceptional cases that Parliament intervenes in support of proceedings brought by a private citizen.

The Legal Affairs Committee therefore recommends to you under Rule 128(4) to intervene on behalf of Parliament in the proceedings in Case T-301/10.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Klaus Heiner LEHNE', with a long horizontal stroke extending to the right.

Klaus Heiner LEHNE