



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 April 2011

9491/11

LIMITE

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“I/A” ITEM NOTE

from : Legal Service
to : Coreper (part 2)/ Council
Subject : Appeal against judgment of the General Court in Case T-233/09 (Access Info Europe v. Council of the European Union)

1. At its meeting on 7 April 2011, the Permanent Representatives Committee (Coreper) discussed the follow-up to be given to the judgment of the General Court in Case T-233/09, *Access Info Europe v. Council*, concerning public access, pursuant to Regulation (EC) No 1049/2001,¹ to Council documents relating to legislative acts on which discussions are still ongoing and which contain delegations' positions. In particular, Coreper discussed the question of an appeal to the Court of Justice against the judgment of the General Court, on the basis of the information note of 30 March 2011 by the Council Legal Service to Coreper, as set out in 8421/11 + COR 1. A clear majority of delegations indicated their support for an appeal, along the lines indicated in the information note by the Legal Service (points 15 and 16).

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.5.2001, p. 43)

2. In light of the above, Coreper is invited to recommend to the Council that it approves the lodging of an appeal by the Council to the Court of Justice against the judgment of the General Court in Case T-233/09 Access Info Europe v. Council of the European Union.

3. Should the Council agree to appeal the case in question, the Director-General of the Council's Legal Service will appoint Giorgio MAGANZA, Bart DRIESSEN and Csilla FEKETE, Legal Advisers of the Legal Service, to act as the Council's agents with a view to lodging a statement in appeal.
