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2016/0280 (COD)**

INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 1)
Subject:	Case brought before the Court of Justice - Case C-401/19 (Republic of Poland v European Parliament and Council of the European Union)

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (30.01.2020)

1. On 27 May 2019, the Council was notified of the application in the abovementioned case. The Republic of Poland is seeking the annulment of Article 17, paragraph 4, points (b) and (c) of the recently adopted directive on the copyright reform.
2. The essence of the applicant's case is that the transposition of those provisions by the Member States will result in a disproportionate limitation of the right to freedom of expression and information guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union. More specifically, the applicant claims that the obligations on the "online content-sharing service providers" foreseen in the contested provisions will necessarily have as a result the introduction of preventive control mechanisms which, in the view of the applicant, undermine the essence of the right to freedom of expression and information and which do not comply with the requirement that limitations imposed on that right be proportionate.

3. The Director-General of the Legal Service has appointed Ms **DELETED**, Mr. **DELETED** and Mr. **DELETED**, members of that service, as agents to represent the Council in this case. The deadline for presenting the Council's defence is 6 August 2019. Member States may also apply to intervene in the case, in accordance with Article 40 of the Statute of the Court of Justice, within the time-limit of 6 weeks and 10 days¹ of publication of the formal notice of the case in the Official Journal².
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¹ See Article 93 of the Rules of Procedure of the Court of Justice

² Not yet published