

COUNCIL OF STATE, ADMINISTRATIVE LITIGATION SECTION
THE PRESIDENT OF THE XV^e BEDROOM
OFF

n^o250.445 of April 27, 2021

A. 231.276 / XV-4495

In question :

- 1. the non-profit association
HUMAN RIGHTS LEAGUE ,**
- 2. the non-profit association
NATIONAL ACTION COORDINATION
FOR PEACE AND DEMOCRACY ,
abbreviated "CNAPD",**
- 3. the non-profit association
FORUM VOOR VREDESACTIE ,
abbreviated "VREDESACTIE",**

all three having taken up residence at
M^c Vincent LETELLIER, lawyer,
Vanderlinden Street 35
1030 Brussels,

versus :

the Walloon Region ,
represented by its Government,
having taken up residence at
M^{cs} Marc UYTENDAELE
and Patricia MINSIER, lawyers,
rue de la Source, 68
1060 Brussels.

I. Subject of the request

By a request filed electronically on September 14, 2020, non-profit associations League of Human Rights, National Coordination Action for Peace and Democracy (CNAPD) and Forum Voor Vredesactie (Vredesactie) request the annulment of the “decisions taken on July 8, 2020 by the Minister-President of the Walloon Region to issue licenses n^o 2208/031132, n^o 2208/031133, n^o 2208/031130 and n^o 2208/031131 for export weapons to the Kingdom of Saudi Arabia of category ML 1 (“Cannon smooth with a caliber less than 20 mm, other weapons and automatic weapons with a gauge less than or equal to 12.7 mm (0.50 inch gauge) and accessories, and their specially designed components ”)”.

II. Procedure

By a judgment n ° 248.128 of August 7, 2020, the Council of State ordered the suspension of the execution of the contested decisions, maintained the confidentiality of the inventory and documents of the confidential administrative file and reserved the costs. The applicants had submitted this request for suspension on 15 July 2020, i.e. prior to the filing of the annulment action.

By a letter deposited on the electronic platform of the Council of State on January 15, 2021, the opposing party informed the Council of State of the withdrawal of the acts attacked.

The applicants filed a reply.

M^m Muriel Vanderhelst, auditor at the Council of State, wrote a report on the basis of Article 93 of the General Rules of Procedure.

By email from 1^{er} April 2021 and in consultation with the auditor rapporteur, the president of the XV^e chamber proposed to the parties that the case be dealt with without a public hearing, provided that they agree, taking into account the health crisis linked to the spread of the COVID-19 coronavirus. The report was also communicated to the parties by this email. The parties marked their agreement with this proposal by emails of April 2 and 9, 2021.

The provisions relating to the use of languages are applied, listed in Title VI, Chapter II, of the laws on the Council of State, coordinates January 12, 1973.

III. Loss of object

The auditor-rapporteur has examined this appeal in the context of the proceedings in brief proceedings, being of the opinion that the appeal had become devoid of purpose.

By a letter deposited on the electronic platform of the Council of State January 15, 2021, or within the time limit set for submitting a thesis in response, the opposing party transmitted to the Council of State the decision to withdraw contested acts, adopted by the Minister-President of the Walloon Region on 24 November 2020. The opposing party also produced the notification letter of this decision to withdraw the withdrawn acts from the beneficiary; it bears the date of 25 November 2020, was sent by registered mail and contains the indication

remedies. As this decision was not appealed against, this withdrawal therefore became final. This circumstance deprives the appeal of its object, so that there is no longer any need to adjudicate.

Since the contested decisions have disappeared from the scheduling legal on November 24, 2020, the suspension of their execution, pronounced by judgment no.248.128, cited above, was therefore lifted as of that date by the effect of the withdrawal of these acts. There is therefore no need to lift the suspension decided by the aforementioned judgment.

The conclusions of the report can thus be followed.

IV. Procedural indemnity

IV.1. Arguments of the applicants

In their reply, the applicants seek a procedural indemnity of 1400 euros, payable by the opposing party, "given the complexity of the case and the urgency in which the request for an extreme stay emergency had to be introduced".

IV. 2. Appreciation

In the present case, the applicants do not provide a concrete justification for their requests to be granted procedural compensation in excess of the amount of base of 700 euros. In this regard, they limit themselves to mentioning "the complexity of the case", without arguing further on this point and without specifying how this case would be of a more complex nature than the other remedies they already have repeatedly introduced against issued arms export licenses by the opposing party. It should also be recalled that judgment no.248.128, aforementioned, decided to maintain the confidentiality of the documents in the administrative file confidential of the opposing party, judging that "the confidentiality of these documents did not in any way prevent the applicants from bringing the present action and from make full use of their arguments as to the legality of the impugned licenses". Finally, the urgency with which the request was lodged is a characteristic specific to any request for suspension of extreme urgency and cannot be invoked as a specific element which the administrative litigation section can hold account in order to determine the degree of complexity of a case and thus increase the amount of procedural compensation, in accordance with article 30/1, § 2, paragraph 1^{er}, coordinated laws on the Council of State.

In these conditions, it is not justified to grant the parties applicants the amount requested and the procedural compensation should be limited granted to these at the basic amount of 700 euros.

**FOR THESE REASONS,
THE COUNCIL OF STATE DECIDES:**

Article 1^{er}.

There is no longer any need to rule.

Article 2.

The opposing party bears the costs, namely the roll fees of 1200 euros, the contribution of 40 euros and the procedural allowance of 700 euros, granted to the requesting parties, up to one third each.

So pronounced in Brussels, in public hearing of the XV^e room, the April 27, 2021, by:

Pascale VANDERNACHT,	president of the chamber,
Frédéric QUINTIN,	clerk.

The Registrar,	President,
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Frédéric QUINTIN

Pascale VANDERNACHT.