

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Action brought on 28 February 2012 — European Parliament v Council of the European Union

(Case C-103/12)

(2012/C 157/02)

*Language of the case: French***Parties**

Applicant: European Parliament (represented by: L.G. Knudsen, I. Díez Parra and I. Liukkonen, acting as Agents)

Defendant: Council of the European Union

Form of order sought

— Annul Council Decision 2012/19/EU ⁽¹⁾ of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana;

— Order the Council of the European Union to pay the costs.

Pleas in law and main arguments

By its action, the European Parliament seeks annulment of Council Decision 2012/19/EU of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana. The Parliament challenges the legal basis chosen. It submits, principally, that Article 43(3) TFEU, together with Article 218(6)(b) TFEU, cannot be the correct legal basis, since the measure in question equates to an international agreement concerning access to European Union waters for the purposes of fishing activities by a non-member country. Accordingly, the measure ought to have been adopted on the basis of Articles 43(2) and 218(6)(a) TFEU and thus after approval by the Parliament.

In the alternative, the Parliament takes the view that the Council, having used the procedure laid down in Article 218(6)(b) TFEU, has given an incorrect interpretation to Article 218(6)(a) TFEU. Even if Article 43(3) TFEU could constitute the appropriate legal basis for an internal measure of the European Union with the same content as the measure challenged, which the Parliament disputes, the fact remains that the Common Fisheries Policy forms, for the purposes of the EU entering into international commitments, an indissociable whole from a procedural point of view. Accordingly, any agreement in that field is an 'agreement covering fields to which either the ordinary legislative procedure applies' within the meaning of Article 218(6)(a) TFEU. Thus, in any event the measure ought to have been adopted in observance of the consent procedure laid down in Article 218(6)(a) TFEU.

⁽¹⁾ OJ 2012 L 6, p. 8.

Reference for a preliminary ruling from the Kúria (Hungary) lodged on 1 March 2012 — Franklin Templeton Investment Funds Société d'Investissement à Capital Variable v Nemzeti Adó- és Vámhivatal Kiemelt Ügyek és Adózók Adó Főigazgatósága

(Case C-112/12)

(2012/C 157/03)

*Language of the case: Hungarian***Referring court**

Kúria

Parties to the main proceedings

Applicant: Franklin Templeton Investment Funds Société d'Investissement à Capital Variable

Defendant: Nemzeti Adó- és Vámhivatal Kiemelt Ügyek és Adózók Adó Főigazgatósága (Hungary)