

**Action brought on 12 March 2014 — United Kingdom of Great Britain and Northern Ireland v  
European Parliament, Council of the European Union**

**(Case C-121/14)**

(2014/C 135/33)

*Language of the case: English*

**Parties**

*Applicant:* United Kingdom of Great Britain and Northern Ireland (represented by: M. Holt, Agent, D.J. Rhee, Barrister)

*Defendants:* European Parliament, Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul Article 29 of, and Annex II of Regulation (EU) No 1316/2013 <sup>(1)</sup> of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 insofar as they extend beyond London what was Corridor 2 in the original Annex to Regulation (EU) No 913/2010 (now referred to as the North Sea — Mediterranean corridor); and
- order that the European Parliament and Council of the European Union pay the costs of the proceedings.

**Pleas in law and main arguments**

The effect of the parts of the contested measure for which annulment is sought is to amend Regulation (EU) No 913/2010 <sup>(2)</sup> of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight so as to replace the 'initial freight corridors' in Annex to that Regulation with a revised set of 'initial freight corridors' as set out in Annex II to the contested measure.

The effect of the said amendment is, inter alia, to require the United Kingdom to participate in the establishment of the 'North Sea — Mediterranean' freight corridor, with an obligation to establish by 10 November 2016 routes between the other member states on the Corridor and London and by 20 November 2018, routes from London to Glasgow, Edinburgh, Southampton and Felixstowe. The United Kingdom has not approved such an extension of the relevant initial corridor set out in Regulation (EU) 913/2010.

The United Kingdom therefore seeks the relief indicated for the following reasons:

- a) the extensions to the 'initial freight corridors' brought about by Article 29 of the contested measure pursue the objectives in Article 170 TFEU in relation to the trans-European transport policy. Accordingly, and on the basis that Articles 170 to 172 TFEU constitute a *lex specialis* for such measures, they can only be adopted under and in accordance with those provisions;
- b) the extensions to the 'initial freight corridors' brought about by Article 29 of the contested measure (a) are projects of common interest (within the meaning of Article 171(1) TFEU) and (b) relate to the territory of each Member State required to participate in their establishment. On this basis, the extensions, in so far as concerns the United Kingdom, have been adopted in breach of the requirement in the second paragraph of Article 172 TFEU for approval of the Member State concerned;
- c) that part of Annex II to the contested measure which requires the United Kingdom to participate in the establishment of the North Sea — Mediterranean Corridor in its territory (i) beyond London (ie to Glasgow, Edinburgh, Felixstowe and Southampton) or (ii) at all, is severable from the remainder of Annex II. Further and in any event, the entirety of Annex II to (and Article 29 of) the contested measure are distinct and severable from the remainder of the Regulation.

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<sup>(1)</sup> OJ L 348, p. 129

<sup>(2)</sup> OJ L 276, p. 22