

Contrary to the second and third subparagraphs of Article 23(1) of, in conjunction with Annex XV to, the directive, since 11 June 2010, the Federal Republic of Germany has failed to adopt measures in the air quality plans of the 26 zones in question which would be appropriate to keep the exceedance period as short as possible. The inappropriateness of the measures results from, inter alia, the duration, trend and severity of the exceedances of the limit values and the examination of the air quality plans established for the zones in question.

⁽¹⁾ OJ 2008 L 152, p. 1.

Action brought on 17 October 2018 — Hungary v European Parliament

(Case C-650/18)

(2018/C 436/46)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér, G. Tornyai and Zs. Wagner, acting as Agents)

Defendant: European Parliament

Form of order sought

The applicant claims that the General Court should:

- annul the European Parliament’s resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

In support of its action, the Hungarian Government relies on four pleas in law:

1. The Hungarian Government takes the view that, at the vote on the contested resolution, the European Parliament seriously infringed Article 354 TFEU and its own rules of procedure. Out of the votes cast by the Members of the European Parliament, only the votes for and against were counted, excluding abstentions, which is contrary to Article 354 TFEU and Article 178(3) of the Rules of Procedure of the European Parliament. If the abstentions had been counted, the result of the voting would have been different (**first plea in law**).
 2. Second, the President of the European Parliament did not consult the European Parliament Committee on Constitutional Affairs (AFCO) in relation to the interpretation of the rules of procedure, in spite of the fact that, before the vote, there were justified doubts as to the method of counting the votes. Consequently, it infringed the principle of legal certainty given that, both before and after the vote, uncertainty existed or remained regarding the interpretation of the rules of procedure (**second plea in law**).
 3. Third, the Hungarian Government submits that, at the vote on the contested resolution, the democratic rights of the Members of the European Parliament, the principle of equal treatment of the Members and the principle of direct democracy were all infringed. The Members could not exercise their rights necessary for carrying out their duties of representing the people in accordance with the principle of democracy, which also includes the possibility of abstention (**third plea in law**).
 4. Fourth, the Hungarian Government takes the view that the contested resolution infringes the fundamental principle of sincere cooperation between the EU institutions and the Member States in accordance with Article 4(3) TEU, and EU law principles such as the principle of sincere cooperation between EU institutions, the principle of legitimate expectation and the principle of legal certainty, since that resolution contains statements which refer to infringement proceedings which have already been concluded or are still ongoing (**fourth plea in law**).
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