

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Third Chamber) of 28 June 2017 — European Commission v Federal Republic of Germany**

(Case C-482/14) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Development of the Community's railways — Directive 91/440/EEC — Article 6(1) — Deutsche Bahn group — Profit transfer agreement — Prohibition of the transfer of public aid earmarked for the management of railway infrastructure to rail transport services — Accounting obligations — Directive 91/440/EEC — Article 9(4) — Regulation (EC) No 1370/2007 — Article 6(1) — Point 5 of the annex — Accounting obligations — Presentation contract by contract of public aid paid for activities relating to the provision of passenger transport services in respect of public service remits)*

(2017/C 283/02)

Language of the case: German

**Parties**

*Applicant:* European Commission (represented by: W. Mölls and T. Maxian Rusche and by J. Hottiaux, Agents)

*Defendant:* Federal Republic of Germany (represented by: T. Henze and J. Möller, Agents, and by R. Van der Hout, advocaat)

*Interveners in support of the defendant:* Italian Republic (represented by: G. Palmieri, Agent, and by S. Fiorentino, avvocato dello Stato), Republic of Latvia (represented by: I. Kucina and by J. Treijs-Gigulis and I. Kalniņš, Agents)

**Operative part of the judgment**

*The Court:*

1. Holds that, by failing to take all measures necessary to ensure that the detailed rules on account-keeping make it possible to monitor the prohibition of transferring public funds earmarked for the management of railway infrastructure to transport services, the Federal Republic of Germany has failed to fulfil its obligations under Article 6(1) of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways, as amended by Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001;
2. Dismisses the remainder of the action;
3. Orders the European Commission, the Federal Republic of Germany, the Italian Republic and the Republic of Latvia to bear their own costs.

<sup>(1)</sup> OJ C 16, 19.6.2015.