

GENERAL COURT

Judgment of the General Court of 8 February 2023 — Aquind and Others v Commission

(Case T-295/20) ⁽¹⁾

(Energy — Trans-European energy infrastructure — Regulation (EU) No 347/2013 — Delegated regulation amending the list of projects of common interest — Second paragraph of Article 172 TFEU — Refusal of a Member State to give its approval to a proposed electricity interconnector with a view to granting the status of a project of common interest — Non-inclusion by the Commission of the project in the amended list — Obligation to state reasons — Principle of good administration — Equal treatment — Legal certainty — Legitimate expectations — Proportionality — Article 10 of the Energy Charter Treaty)

(2023/C 112/38)

Language of the case: English

Parties

Applicants: Aquind Ltd (Wallsend, United Kingdom), Aquind SAS (Rouen, France), Aquind Energy Sàrl (Luxembourg, Luxembourg) (represented by: S. Goldberg, C. Davis and J. Bille, Solicitors, and by E. White, lawyer)

Defendant: European Commission (represented by: O. Beynet and B. De Meester, acting as Agents)

Interveners in support of the defendant: Federal Republic of Germany (represented by: J. Möller and S. Costanzo, acting as Agents), Kingdom of Spain (represented by: M. Ruiz Sánchez, acting as Agent), French Republic (represented by: A.-L. Desjonquères, A. Daniel, W. Zemamta and R. Bénard, acting as Agents)

Re:

By their action based on Article 263 TFEU, the applicants seek annulment of Commission Delegated Regulation (EU) 2020/389 of 31 October 2019 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (OJ 2020 L 74, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Aquind Ltd, Aquind SAS and Aquind Energy Sàrl to pay the costs;
3. Orders the Federal Republic of Germany, the Kingdom of Spain and the French Republic each to bear their own costs.

⁽¹⁾ OJ C 247, 27.7.2020.