



Reports of Cases

JUDGMENT OF THE COURT (Fifth Chamber)

16 June 2022*

(Reference for a preliminary ruling – Trans-European transport network – Regulation (EU) No 1315/2013 – Article 15(1) – Inland waterways transport infrastructure – Inland ports – Obligation of a Member State to connect inland ports with road or rail transport infrastructure – Removal of the connection with one of those two types of transport infrastructure – Conditions)

In Case C-229/21,

REQUEST for a preliminary ruling under Article 267 TFEU from the cour d’appel de Bruxelles (Court of Appeal, Brussels, Belgium), made by decision of 23 March 2021, received at the Court on 9 April 2021, in the proceedings

Port de Bruxelles SA,

Région de Bruxelles-Capitale

v

Infrabel SA,

interveners:

FIF-FSI (Fonds d’Infrastructure Ferroviaire) SA,

État belge,

Région de Bruxelles-Capitale,

Port de Bruxelles SA,

Lineas SA,

THE COURT (Fifth Chamber),

composed of E. Regan, President of the Chamber, I. Jarukaitis, M. Ilešič, D. Gratsias (Rapporteur) and Z. Csehi, Judges,

Advocate General: J. Richard de la Tour,

* Language of the case: French.

Registrar: C. Di Bella, Administrator,

having regard to the written procedure and further to the hearing on 19 January 2022,

after considering the observations submitted on behalf of:

- Port de Bruxelles SA, by B. De Beys and L. Depré, avocats,
- Région de Bruxelles-Capitale, by B. Cambier and T. Cambier, avocats,
- Infrabel SA, by M. Baetens-Spetschinsky and P.-M. Louis, avocats,
- the Belgian Government, by S. Baeyens, P. Cottin and C. Pochet, acting as Agents, and by T. Eyskens, P.J. Geysens and A. Vandeburie, avocats,
- the European Commission, by S.L. Kalèda, C. Vrignon and G. Wilms, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 31 March 2022,

gives the following

Judgment

- 1 This request for a preliminary ruling concerns the interpretation of Article 15(1) of Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ 2013 L 348, p. 1).
- 2 The request has been made in the context of two sets of proceedings between, first, Port de Bruxelles SA and Infrabel SA, the manager of the rail infrastructure in Belgium and, second, the Région de Bruxelles-Capitale (Brussels-Capital Region, Belgium) and Infrabel, concerning an application made by Port de Bruxelles SA seeking an order requiring Infrabel to maintain in fully functioning condition the only line providing access by rail between the port of Brussels (Belgium) and the Belgian rail network.

Legal context

- 3 Recitals 7, 8 and 31 of Regulation No 1315/2013 state:
 - ‘(7) The trans-European transport network consists to a large extent of existing infrastructure. In order fully to achieve the objectives of the new trans-European transport network policy, uniform requirements regarding the infrastructure should be established in a Regulation to be complied with by the infrastructure of the trans-European transport network.
 - (8) The trans-European transport network should be developed through the creation of new transport infrastructure, through the rehabilitation and upgrading of existing infrastructure and through measures promoting its resource-efficient use. In specific cases, due to the absence of regular maintenance in the past, rehabilitation of rail infrastructure is necessary. Rehabilitation is a process resulting in the achievement of the original construction

parameters of existing railway infrastructure facilities combined with the long-term improvement of its quality compared to its current state, in line with the application of the requirements and provisions of this Regulation.

...

(31) Thanks to its large scale, the trans-European transport network should provide the basis for the large-scale deployment of new technologies and innovation, which, for example, can help to enhance the overall efficiency of the European transport sector and reduce its carbon footprint. This will contribute towards the objectives of the Europe 2020 Strategy [and the target in the European Commission’s White Paper of 28 March 2011 entitled “Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system” (COM(2011) 144 final)] of a 60% cut in greenhouse gas emissions by 2050 (based on 1990 levels) and at the same time contribute to the objective of increasing fuel security for the Union. ...’

4 Article 1 of that regulation, entitled ‘Subject matter’, provides, in paragraphs 1 to 3:

‘1. This Regulation establishes guidelines for the development of a trans-European transport network comprising a dual-layer structure consisting of the comprehensive network and of the core network, the latter being established on the basis of the comprehensive network.

2. This Regulation identifies projects of common interest and specifies the requirements to be complied with for the management of the infrastructure of the trans-European transport network.

3. This Regulation sets out the priorities for the development of the trans-European transport network.’

5 Article 2 of that regulation, entitled ‘Scope’, provides:

‘1. This Regulation applies to the trans-European transport network as shown on the maps contained in Annex I. ...

2. The infrastructure of the trans-European transport network consists of the infrastructure for railway transport, inland waterway transport, road transport, maritime transport, air transport and multimodal transport, as determined in the relevant sections of Chapter II.’

6 Article 3 of that regulation, entitled ‘Definitions’, is worded as follows:

‘For the purpose of this Regulation, the following definitions apply:

(a) “project of common interest” means any project carried out pursuant to the requirements and in compliance with the provisions of this Regulation;

...

(n) “multimodal transport” means the carriage of passengers or freight, or both, using two or more modes of transport;

...

(p) “urban node” means an urban area where the transport infrastructure of the trans-European transport network, such as ports including passenger terminals, airports, railway stations, logistic platforms and freight terminals located in and around an urban area, is connected with other parts of that infrastructure and with the infrastructure for regional and local traffic;

...

(s) “freight terminal” means a structure equipped for transshipment between at least two transport modes or between two different rail systems, and for temporary storage of freight, such as ports, inland ports, airports and rail-road terminals;

...’

7 Article 4 of Regulation No 1315/2013, entitled ‘Objectives of the trans-European transport network’, provides:

‘The trans-European transport network shall strengthen the social, economic and territorial cohesion of the Union and contribute to the creation of a single European transport area which is efficient and sustainable, increases the benefits for its users and supports inclusive growth. It shall demonstrate European added value by contributing to the objectives laid down in the following four categories:

...

(b) efficiency through:

...

(iii) optimal integration and interconnection of all transport modes;

...

(v) efficient use of new and existing infrastructure;

...

(c) sustainability through:

...

(ii) contribution to the objectives of low greenhouse gas emissions, low-carbon and clean transport, fuel security, reduction of external costs and environmental protection;

(iii) promotion of low-carbon transport with the aim of achieving by 2050 a significant reduction in CO₂ emissions, in line with the relevant Union CO₂ reduction targets;

...’

8 Article 5 of that regulation, entitled ‘Resource-efficient network’, provides, in paragraph 1:

‘The trans-European transport network shall be planned, developed and operated in a resource-efficient way, through:

(a) development, improvement and maintenance of existing transport infrastructure;

(b) optimisation of infrastructure integration and interconnection;

...’

9 Article 6 of that regulation, entitled ‘Dual-layer trans-European transport network structure’, is worded as follows:

‘1. The gradual development of the trans-European transport network shall be achieved, in particular, by implementing a dual-layer structure for that network with a coherent and transparent methodological approach, comprising a comprehensive network and a core network.

2. The comprehensive network shall consist of all existing and planned transport infrastructures of the trans-European transport network as well as measures promoting the efficient and socially and environmentally sustainable use of such infrastructure. It shall be identified and developed in accordance with Chapter II.

3. The core network shall consist of those parts of the comprehensive network which are of the highest strategic importance for achieving the objectives for the development of the trans-European transport network. It shall be identified and developed in accordance with Chapter III.’

10 Chapter II of Regulation No 1315/2013, entitled ‘The comprehensive network’, contains Articles 9 to 37. Article 9 of that regulation, entitled ‘General provisions’, provides, in paragraph 1:

‘The comprehensive network shall:

...

(c) meet the requirements for the transport infrastructures set out in this Chapter;

...’

11 Article 10 of that regulation, entitled ‘General priorities’, provides, in paragraph 1:

‘In the development of the comprehensive network, general priority shall be given to measures that are necessary for:

...

(b) ensuring optimal integration of the transport modes and interoperability within transport modes;

...’

- 12 Article 12 of that regulation, entitled ‘Transport infrastructure requirements’, provides, in paragraph 1:

‘Freight terminals shall be connected with the road infrastructure or, where possible, the inland waterway infrastructure of the comprehensive network.’

- 13 Article 13 of Regulation No 1315/2013, entitled ‘Priorities for railway infrastructure development’, is worded as follows:

‘In the promotion of projects of common interest related to railway infrastructure, and in addition to the general priorities set out in Article 10, priority shall be given to the following:

...

(f) where appropriate, connecting railway transport infrastructure with inland waterway port infrastructure.’

- 14 Article 14 of that regulation, entitled ‘Infrastructure components’, provides, in paragraph 1:

‘Inland waterways infrastructure shall comprise, in particular:

...

(e) inland ports, including the infrastructure necessary for transport operations within the port area;

...’

- 15 Article 15 of that regulation, entitled ‘Transport infrastructure requirements’, provides, in paragraph 1:

‘Member States shall ensure that inland ports are connected with the road or rail infrastructure.’

- 16 Article 16 of that regulation, entitled ‘Priorities for inland waterway infrastructure development’, is worded as follows:

‘In the promotion of projects of common interest related to inland waterway infrastructures, and in addition to the general priorities set out in Article 10, priority shall be given to the following:

...

(d) connecting inland port infrastructure to rail freight and road transport infrastructure;

...’

17 According to Article 19 of Regulation No 1315/2013, entitled ‘Priorities for road infrastructure development’:

‘In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Article 10, priority shall be given to the following:

...

(e) the mitigation of congestion on existing roads.’

18 Article 28 of that regulation, entitled ‘Transport infrastructure requirements’, provides, in paragraph 1:

‘Member States shall ensure, in a fair and non-discriminatory way, that:

(a) transport modes are connected in any of the following places: freight terminals, passenger stations, inland ports, airports and maritime ports, in order to allow multimodal transport of passengers and freight;

...’

19 Article 30 of that regulation, entitled ‘Urban nodes’, provides:

‘When developing the comprehensive network in urban nodes, Member States shall, where feasible, aim to ensure:

(a) for passenger transport: interconnection between rail, road, air and, as appropriate, inland waterway and maritime infrastructure of the comprehensive network;

(b) for freight transport: interconnection between rail, road, and, as appropriate, inland waterway, air and maritime infrastructure of the comprehensive network;

...’

20 Article 38 of Regulation No 1315/2013, entitled ‘Identification of the core network’, provides, in paragraph 1:

‘The core network, as shown on the maps contained in Annex I, shall consist of those parts of the comprehensive network which are of the highest strategic importance for achieving the objectives of the trans-European transport network policy, and shall reflect evolving traffic demand and the need for multimodal transport. ...’

21 It is clear from Annexes I and II to that regulation that the port infrastructure of the port of Brussels forms part of the core network within the meaning of Article 6(1) and (3) thereof.

The dispute in the main proceedings and the question referred for a preliminary ruling

22 Port de Bruxelles SA is responsible for the management, operation and development of the canal, the port of Brussels, the outer harbour, port facilities and their dependencies in the Brussels-Capital region.

- 23 Infrabel operates the Belgian rail network and is the owner of railway sidings and the assets necessary or useful for that operation.
- 24 FIF-FSI (Fonds d'Infrastructure Ferroviaire) SA ('FIF') is responsible for the management and valuation of land and other commercial activities in the field of the development, purchase and sale, management and financing of real estate. All of its capital is indirectly held by the État belge (Belgian State).
- 25 Two Royal Decrees of 14 June 2004 (*Moniteur belge* of 14 June 2004, p. 51971) and of 30 December 2004 (*Moniteur belge* of 30 December 2004, p. 87338) require Infrabel to dismantle the railway facilities situated on the 'Schaerbeek-Formation' site in Brussels by 31 December 2020 at the latest and to restore it to its former state, in order to return that fully cleared site to FIF. FIF would be entitled to claim financial compensation in the event of Infrabel's failure to carry out those works within the prescribed periods. The facilities to be dismantled include those which constitute the only rail connection between the port facilities of the port of Brussels and the Belgian rail network ('the rail connection at issue').
- 26 On 12 October 2018, Port de Bruxelles SA brought proceedings against Infrabel before the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking), Belgium), seeking an injunction prohibiting Infrabel 'from performing any act contrary to the provisions of Regulation No 1315/2013 ..., including dismantling the built structures and facilities covered by [that regulation] and in particular the rail connection [at issue]'.
- 27 On 30 October 2018, Infrabel applied for FIF to be joined as a third party. The Belgian State intervened voluntarily in the proceedings on 13 November 2018 so that the judgment to be delivered would be enforceable against it. The Brussels-Capital Region and Lineas SA also intervened in the proceedings in support of the form of order sought by Port de Bruxelles SA.
- 28 On 14 March 2019, Port de Bruxelles SA applied to the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking)), as an interim measure, to prohibit Infrabel, pending a final judgment on the substance of the dispute, from proceeding inter alia with the decommissioning and dismantling of the rail connection at issue and to order it to maintain that rail connection in fully functioning condition. For its part, Infrabel applied to the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking)), in the event that the latter were to grant the application for interim measures and Infrabel were to be prevented from carrying out the work provided for by the Royal Decree of 30 December 2004, inter alia to prohibit FIF from claiming compensation from it until the delivery of the judgment on the substance of the case.
- 29 On 5 November 2019, during the course of the proceedings, FIF and Infrabel concluded an agreement by which, inter alia, they postponed the date by which the dismantling of the rail connection at issue should have been completed to 30 June 2021.
- 30 By judgment of 20 December 2019, the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking)) declared the action brought by Port de Bruxelles SA inadmissible, except in so far as the latter invokes the existence of an easement in support of that action. Moreover, it dismissed Port de Bruxelles SA's application for interim measures on the ground that the commitment made by Infrabel in the agreement concluded with FIF on 5 November 2019 was sufficient to regulate the parties' position provisionally.

- 31 Port de Bruxelles SA and the Brussels-Capital Region each brought an appeal against that judgment before the referring court, the cour d'appel de Bruxelles (Court of Appeal, Brussels, Belgium), which, after having found that neither Port de Bruxelles SA nor the Brussels-Capital Region had brought an appeal against the Belgian State and FIF in compliance with the national procedural rules, held that the latter two parties had to be exonerated. It is also apparent from the operative part of the request for a preliminary ruling that the referring court has joined the two sets of proceedings pending before it.
- 32 The referring court asks whether Port de Bruxelles SA is entitled to rely, before the Belgian courts, on a subjective right resulting from Article 15 of Regulation No 1315/2013. It states that, according to the interpretation of that provision advocated by Port de Bruxelles SA, it imposes on the Member States, on the one hand, a positive obligation, relating to the establishment of a system in which the transport infrastructure is interconnected and in which the Member States have discretionary power, and, on the other hand, a negative obligation, prohibiting them from acting in a manner contrary to the objectives of that regulation, in particular by undermining the integrity of the existing transport infrastructure.
- 33 Infrabel submits that Article 15 of that regulation cannot be interpreted in the sense advocated by Port de Bruxelles SA. According to the wording of that provision, in particular the French and English language versions, inland ports must be connected with either the road or rail infrastructure since those language versions use the conjunction '*ou*' and '*or*' respectively.
- 34 In that regard, the referring court notes that the Dutch language version of Article 15(1) of Regulation No 1315/2013 uses the conjunction '*en*' ('and') instead of '*or*'. It infers from that that a literal interpretation of that provision is not sufficient to determine its exact meaning.
- 35 According to that court, that provision is open to two opposing interpretations. It could be inferred from Article 3(n) and Article 28(1) of that regulation that the connection of an inland waterways transport infrastructure, such as an inland port, with only one other type of transport infrastructure is sufficient for the obligation to be fulfilled and that, in the present case, Port de Bruxelles SA should be satisfied with the connection of its port infrastructure with the road transport infrastructure.
- 36 However, a different interpretation of Article 15 of that regulation could be supported. It follows from the Commission's commitments in its White Paper, referred to *inter alia* in recital 31 of that regulation, and from Regulation No 1315/2013 itself, that the objectives of that regulation are twofold, namely to reinforce the competitiveness of transport and to reduce greenhouse gas emissions from transport by at least 60% by 2050 compared with 1990 levels. Moreover, an interpretation of Article 15 of that regulation as prohibiting the dismantling of a rail connection in circumstances such as those in the present case could be based, *inter alia*, on Articles 5, 10 and 16 of that regulation and on the guidance set out in recitals 7 and 8 thereof.
- 37 In those circumstances, the cour d'appel de Bruxelles (Court of Appeal, Brussels) decided to stay the proceedings and to refer the following question to the Court for a preliminary ruling:

'Where an inland port – which forms part of the core network – is already connected to the road and to the rail network, does Article 15 of Regulation [No 1315/2013], construed in isolation or in conjunction with other provisions of that regulation, lay down an obligation to keep and to maintain both those links or an obligation to refrain from removing one of them, even merely by failing to maintain it?'

The procedure before the Court

- 38 The referring court requested, on the basis of Article 105(1) of the Rules of Procedure of the Court of Justice, that the Court deal with the present case under an expedited procedure. In support of that request, it states that, in order to ensure the effectiveness of the present judgment, it has prohibited Infrabel from dismantling the rail connection at issue until a fresh ruling has been given on the case, after receiving the Court's answer to the question referred. However, that same company would, in principle, be liable, from 1 July 2021, to pay compensation to FIF precisely for the delay in dismantling that rail connection.
- 39 Article 105(1) of the Rules of Procedure provides that, at the request of the referring court or tribunal or, exceptionally, of his or her own motion, the President of the Court may, where the nature of the case requires that it be dealt with within a short time, after hearing the Judge-Rapporteur and the Advocate General, decide that a reference for a preliminary ruling is to be determined pursuant to an expedited procedure.
- 40 It must be borne in mind that such an expedited procedure is a procedural instrument intending to address matters of an exceptional urgency (judgment of 22 March 2022, *Prokurator Generalny and Others (Disciplinary Chamber of the Supreme Court – Appointment)*, C-508/19, EU:C:2022:201, paragraph 37).
- 41 In the present case, on 4 May 2021, the President of the Court decided, after hearing the Judge-Rapporteur and the Advocate General, that there was no need to grant the request referred to in paragraph 38 of the present judgment.
- 42 According to the case-law of the Court, mere economic interests, however important and legitimate they may be, are not such as to justify, in themselves, use of the expedited procedure (judgment of 11 November 2021, *Energieversorgungszentrum Dresden-Wilschdorf*, C-938/19, EU:C:2021:908, paragraph 45 and the case-law cited).
- 43 Moreover, even if the present case were to be determined under the expedited procedure, the Court's answer to the question referred could not, in any event, be given before 30 June 2021.
- 44 By decision of the same date, the President of the Court decided, however, that the information provided by the referring court justified the case being given priority under Article 53(3) of the Rules of Procedure.

The admissibility of the request for a preliminary ruling

- 45 In its written observations, Infrabel submits, in essence, that Port de Bruxelles SA cannot, in any event, rely on Article 15(1) of Regulation No 1315/2013 to its advantage in the context of the dispute in the main proceedings, since that provision allows the Member States discretion in its implementation. The existence of such discretion prevents, in the absence of implementing measures adopted by the Member State concerned, an individual from being able to rely directly on rights derived from that provision.

- 46 In so far as that argument must be understood as meaning that, by it, Infrabel calls into question the relevance of the question referred for a preliminary ruling for the purpose of resolving the dispute in the main proceedings and, therefore, the admissibility of the request for a preliminary ruling, it cannot succeed.
- 47 First, it should be recalled that, under the second paragraph of Article 288 TFEU, a regulation is of general application and directly applicable in all Member States. Accordingly, by virtue of the very nature of regulations and of their function in the system of sources of EU law, the provisions of regulations generally have immediate effect in the national legal systems without it being necessary for the national authorities to adopt implementing measures (judgment of 22 January 2020, *Ursa Major Services*, C-814/18, EU:C:2020:27, paragraph 33).
- 48 Secondly, the question whether Article 15(1) of Regulation No 1315/2013 precludes, in principle, the removal of an inland port's rail connection in circumstances such as those in the main proceedings, or whether it allows the Member States discretion in that regard is precisely the subject of the question referred for a preliminary ruling, and therefore the admissibility of the request for a preliminary ruling cannot be called into question on the ground relied on by Infrabel.

The question referred for a preliminary ruling

- 49 By its question, the referring court asks, in essence, whether Article 15(1) of Regulation No 1315/2013 must be interpreted as meaning that, where an inland port which forms part of the core network, within the meaning of Article 6(1) and (3) and Article 38 of that regulation, has connections to both road and rail transport infrastructures, it precludes the removal of one of those two types of connection.
- 50 In that regard, it must be held, as a preliminary point, that, although Article 15(1) of that regulation provides that Member States must ensure that inland ports are connected with the road or rail infrastructure and therefore concerns inland ports, the question referred for a preliminary ruling concerns the interpretation of that provision in circumstances where a port of that kind, such as the port of Brussels, forms part of the core network, within the meaning of that regulation.
- 51 Article 15 is contained in Chapter II of Regulation No 1315/2013 which, in accordance with its title, concerns the comprehensive network, referred to in Article 6(2) of that regulation. As follows from Article 6(3) and Article 38(1) of that regulation, the core network consists of those parts of the comprehensive network which are of the highest strategic importance for achieving the objectives for the development of the trans-European transport network.
- 52 Although it is clear beyond dispute from those provisions that Article 15(1) of Regulation No 1315/2013 applies in the case of an inland port forming part of the core network, the fact remains that it is more generally applicable to any inland port in the comprehensive network, whether or not it belongs specifically to the core network.
- 53 Consequently, it is necessary to examine the question referred in so far as it relates to an inland port forming part of the comprehensive network, within the meaning of Article 6(1) and (2) of Regulation No 1315/2013, and which already has connections to both road and rail transport infrastructures.

- 54 In accordance with the settled case-law of the Court, in interpreting a provision of EU law, it is necessary to consider not only its wording but also its context and the objectives pursued by the rules of which it forms part (judgment of 28 January 2020, *Commission v Italy (Directive combating late payment)*, C-122/18, EU:C:2020:41, paragraph 39 and the case-law cited).
- 55 As regards, in the first place, the wording of Article 15(1) of Regulation No 1315/2013, it must be noted that, as, respectively, the referring court and the Belgian Government have rightly submitted, the Dutch and Bulgarian language versions of that provision use, between the terms ‘road’ and ‘rail infrastructure’, the conjunction ‘and’, which would suggest that Member States are required to ensure that ports retain existing links connecting them with both road and rail transport infrastructures. By contrast, in the German, Greek, English, French, Irish, Italian, Lithuanian, Hungarian and Slovenian language versions in particular, the conjunction ‘or’ is used.
- 56 In that context, it should be noted that, according to the Court’s settled case-law, the different language versions of a provision of EU law are all equally authentic and one of them cannot be made to override the others, since provisions of EU law must be interpreted and applied uniformly in the light of the versions existing in all languages of the European Union (see, to that effect, judgment of 6 October 2021, *Consorzio Italian Management and Catania Multiservizi*, C-561/19, EU:C:2021:799, paragraphs 42 and 43 and the case-law cited).
- 57 Thus, where there is divergence between the various language versions of an EU act, the provision in question must be interpreted by reference to the purpose and general scheme of the rules of which it forms part (see, to that effect, judgment of 28 April 2022, *Yieh United Steel v Commission*, C-79/20 P, EU:C:2022:305, paragraph 99 and the case-law cited).
- 58 In the present case, it must be held that the wording of Article 15(1) of Regulation No 1315/2013 alone does not make it possible to determine whether, in the case of an inland port forming part of the comprehensive network which already has connections to both road and rail transport infrastructures, the Member State concerned is permitted to remove one of those two connections and preserve only the other, as the obligation for the Member State concerned, laid down in that provision, to ensure that the inland port in question is connected ‘with the road or rail infrastructure’ may even be understood as meaning that that Member State must pay particular attention to one or the other of those two connections, depending on their needs, in particular in terms of maintenance.
- 59 As regards, in the second place, the context of which Article 15(1) of Regulation No 1315/2013 forms part, it must be noted that, as provided for in Article 1(1) thereof, the purpose of that regulation is to establish ‘guidelines for the development of a trans-European transport network comprising a dual-layer structure consisting of the comprehensive network and of the core network, the latter being established on the basis of the comprehensive network’.
- 60 It follows from Article 10(1)(b) of that regulation, which forms part of Chapter II relating to the comprehensive network, that, in the development of the comprehensive network, general priority is to be given to measures that are necessary for, inter alia, ensuring optimal integration of the transport modes and interoperability within transport modes.
- 61 The provisions of Chapter II of Regulation No 1315/2013, with the exception of Articles 9 and 10 thereof, are grouped into seven sections: Section 1 concerns railway transport infrastructure, Section 2 concerns inland waterways transport infrastructure and includes Article 15, which is

the subject of the question referred for a preliminary ruling, Section 3 concerns road transport infrastructure, Section 6 concerns infrastructure for multimodal transport and, finally, Section 7 brings together common provisions.

- 62 With regard to railway infrastructure, Article 12(1) of Regulation No 1315/2013 provides that freight terminals are to be connected with the road infrastructure or, where possible, the inland waterway infrastructure of the comprehensive network.
- 63 Moreover, it follows from Article 13(f) of that regulation that, in the promotion of projects of common interest related to railway infrastructure, priority is to be given, where appropriate, to connecting railway transport infrastructure with inland waterway port infrastructure.
- 64 Similarly, with regard to inland waterways transport infrastructure, Article 16(d) of that regulation provides that, in the promotion of projects of common interest related to inland waterway infrastructures, priority is to be given *inter alia* to connecting inland port infrastructure to rail freight and road transport infrastructure.
- 65 With regard to road transport infrastructure, Article 19(e) of that regulation provides that, in the promotion of projects of common interest related to road infrastructure, priority is to be given *inter alia* to the mitigation of congestion on existing roads.
- 66 As regards infrastructure for multimodal transport within the meaning of Article 3(n) of Regulation No 1315/2013, Article 28(1)(a) thereof provides that Member States are to ensure, in a fair and non-discriminatory way, that transport modes are connected in any of the following places: freight terminals, passenger stations, inland ports, airports and maritime ports, in order to allow multimodal transport of passengers and freight.
- 67 Reference should also be made, under the common provisions, to Article 30 of Regulation No 1315/2013 on urban nodes, as defined in Article 3(p) thereof.
- 68 It follows from Article 30(a) and (b) that, when developing the comprehensive network in urban nodes, Member States must, where feasible, aim to ensure interconnection between, *inter alia*, rail, road and, as appropriate, inland waterway infrastructure, both for passenger transport and for freight transport.
- 69 It may therefore be inferred from the provisions referred to in paragraphs 59 to 68 of the present judgment that, although Regulation No 1315/2013 does not impose on Member States an obligation to achieve a result to ensure, in all cases, the connection of inland ports forming part of the comprehensive network with both road and rail transport infrastructures, that regulation advocates the establishment, where possible, of several connections of such ports with other types of transport infrastructure.
- 70 It must, moreover, be noted that both recitals 7 and 8 of that regulation and Article 4(b)(v), Article 5(1)(a) and Article 6(2) of that regulation distinguish between ‘existing’ and ‘new’ or ‘planned’ infrastructure. That distinction supports that being reflected when defining the extent of the Member States’ obligations.

- 71 The analysis of the context of which Article 15(1) of Regulation No 1315/2013 forms part therefore leads to the conclusion that that provision must be interpreted as meaning that, in principle, it precludes the removal, in respect of an inland port which already has connections to both road and rail transport infrastructures, of its connection to one of those two types of infrastructure.
- 72 In the third place, it must be held that the consideration of the objectives of the European transport network, as set out in Article 4 of Regulation No 1315/2013, supports such an interpretation of Article 15(1) of that regulation.
- 73 First, Article 4(b)(iii) of that regulation provides that the trans-European transport network contributes to the objective of efficiency through optimal integration and interconnection of all transport modes.
- 74 To the same effect, Article 5(1) of that regulation provides, in points (a) and (b) respectively, that the trans-European transport network is to be planned, developed and operated in a resource-efficient way through, first, development, improvement and maintenance of existing transport infrastructure and, secondly, optimisation of infrastructure integration and interconnection.
- 75 Secondly, with particular regard to the connection of an inland port with rail transport infrastructure, the objective of sustainability set out in Article 4(c) of Regulation No 1315/2013, read in the light of recital 31 of that regulation, must be taken into account. It follows from that that the trans-European transport network is intended to contribute to the attainment of that objective by, *inter alia*, reducing greenhouse gas emissions by giving preference to low-carbon transport systems.
- 76 As the Advocate General observed in points 63 and 64 of his Opinion, rail transport is one of those transport systems, which is why the Commission's White Paper, referred to in recital 31 of that regulation, encourages its use.
- 77 Thirdly, maintaining the connection with the rail transport infrastructure of an inland port, by encouraging the use of rail rather than road transport, also contributes to the objective of mitigating congestion on the roads, which is one of the priorities of the development of the trans-European transport network, as follows from Article 19(e) of Regulation No 1315/2013.
- 78 That said, in view of the objectives pursued by Regulation No 1315/2013, in particular in relation to the environment, traffic safety and town and country planning, exceptional circumstances are, *a priori*, capable of justifying the removal of the connection of an inland port with either the road or rail transport infrastructure, without being precluded by Article 15(1) of Regulation No 1315/2013.
- 79 In that regard, it must be noted that the replacement of an existing connection of that kind with a new connection with the same type of infrastructure, put into operation at the same time as the removal of the connection it replaces, cannot be regarded as a removal of the connection of the inland port concerned with that infrastructure.
- 80 As regards the grounds which, in exceptional circumstances, may justify the removal, without replacement, of the connection of an inland port with road or rail transport infrastructure, it is sufficient, in the present case, to note, in the light of the arguments put forward in the written

observations submitted to the Court, that the risk that that connection poses to transport safety cannot constitute such a ground where that risk is the result of a failure, by the authorities which are responsible in the Member State concerned, to maintain the transport infrastructure in question.

- 81 Similarly, as the Advocate General stated, in essence, in point 71 of his Opinion, reasons relating to the value of land occupied by a connection between an inland port and road or rail transport infrastructure and the possible use of that land in an economically more advantageous way cannot justify the removal of that connection.
- 82 In the light of all the foregoing considerations, the answer to the question referred is that Article 15(1) of Regulation No 1315/2013 must be interpreted as meaning that, where an inland port which forms part of the comprehensive network, within the meaning of Article 6(1) and (2) of that regulation, has connections to both road and rail transport infrastructures, it precludes the removal of one of those two types of connection, save in exceptional circumstances. The failure to maintain the connection in question, as a result of non-compliance with that provision, or the economic exploitation of the land occupied by those infrastructures, do not constitute such circumstances.

Costs

- 83 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Fifth Chamber) hereby rules:

Article 15(1) of Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU must be interpreted as meaning that, where an inland port which forms part of the comprehensive network, within the meaning of Article 6(1) and (2) of that regulation, has connections to both road and rail transport infrastructures, it precludes the removal of one of those two types of connection, save in exceptional circumstances. The failure to maintain the connection in question, as a result of non-compliance with that provision, or the economic exploitation of the land occupied by those infrastructures, do not constitute such circumstances.

Signatures