

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Grand Chamber) of 5 September 2012 — European Parliament v Council of the European Union**(Case C-355/10) <sup>(1)</sup>*(Schengen Borders Code — Decision 2010/252/EU — Surveillance of the sea external borders — Introduction of additional rules governing border surveillance — Commission's implementing powers — Scope — Application for annulment)*

(2012/C 331/02)

Language of the case: English

**Parties***Applicant:* European Parliament (represented by: M. Dean, A. Auersperger Matić and K. Bradley, Agents)*Defendant:* Council of the European Union (represented by: Z. Kupčová and R. Szostak, Agents)*Intervener in support of the defendant:* European Commission (represented by: C. O'Reilly and M. Wilderspin, Agents)**Re:**

Annulment of Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ 2010 L 111, p. 20) — Additional measures governing surveillance — Introduction of rules exceeding the extent of the Council's implementing powers

**Operative part of the judgment***The Court:*

1. Annuls Council Decision 2010/252/EU of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union;

2. Maintains the effects of Decision 2010/252 until the entry into force of new rules within a reasonable time;

3. Orders the Council of the European Union to pay the costs;

4. Orders the European Commission to bear its own costs.

<sup>(1)</sup> OJ C 246, 11.9.2010.**Judgment of the Court (Second Chamber) of 6 September 2012 — European Parliament v Council of the European Union**(Case C-490/10) <sup>(1)</sup>*(Action for annulment — Regulation (EU, Euratom) No 617/2010 — Notification to the Commission of investment projects in energy infrastructure within the European Union — Choice of legal basis — Article 337 TFEU and Article 187 EA — Article 194 TFEU)*

(2012/C 331/03)

Language of the case: French

**Parties***Applicant:* European Parliament (represented by: M. Gómez-Leal, J. Rodrigues and L. Visaggio, Agents)*Defendant:* Council of the European Union (represented by: M. Simm and A. Lo Monaco, Agents)*Intervening parties in support of the defendant:* French Republic (represented by: G. de Bergues and A. Adam, Agents); European Commission (represented by: P. Oliver and O. Beynet, Agents)**Re:**

Action for annulment — Council Regulation (EU, Euratom) No 617/2010 of 24 June 2010 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union and repealing Regulation (EC) No 736/96 (OJ 2010 L 180, p. 7) — Choice of the dual legal basis of Articles 337 TFEU and 187 EA — Measures falling within the specific responsibilities of the Union in relation to energy and requiring the legal basis of Article 194 TFEU only