



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 18 October 2013**

**15047/13**

**JUR 539**  
**EF 196**  
**ECOFIN 909**  
**CODEC 2310**

**INFORMATION NOTE**

---

from : Legal Service

to : Permanent Representatives Committee (part II)

---

Subject : **Case before the Court of Justice of the European Union**

- **Case C-507/13** (United Kingdom of Great Britain and Northern Ireland v European Parliament and Council of the European Union)

---

1. By application of 20 September 2013, which was notified to the General Secretariat of the Council by the Registrar of the Court of Justice of the European Union on 24 September 2013, the United Kingdom of Great Britain and Northern Ireland filed an action for annulment of:
  - a) Articles 94(1)(g), 94(2) and 162(1) and (3) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC <sup>1</sup>;
  - b) Articles 450(1)(d), 450(1)(i), 450(1)(j) and 521(2) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 <sup>2</sup>.

---

<sup>1</sup> OJ L 176, 27.6.2013, p. 338.

<sup>2</sup> OJ L 176, 27.6.2013, p. 1.

2. These concern the variable remuneration that may permissibly be paid to certain employees of credit institutions and investment firms as defined in Article 4 of the Regulation.
3. The application is founded on six pleas in law:
  - inadequacy of the legal basis for the legislative acts referred to in paragraph 1 as regards the contested provisions;
  - incompatibility of the contested provisions with the principles of proportionality and subsidiarity;
  - violation of the principle of legal certainty;
  - the conferral of powers to the European Banking Authority is allegedly ultra vires;
  - violation of the right to privacy and the principles governing the protection of personal data;
  - infringement of the customary international law principle against extraterritoriality is infringed.
4. Pursuant to Article 124(1) of the Rules of Procedure of the Court of Justice, the Council may lodge a statement of defence within two months after service of the Application.
5. The Director-General of the Legal Service of the Council has appointed Ms Eugenia DUMITRIU SEGNANA and Mr Ivan GUROV, legal advisors in the said service, as the Council's agents in this case.

---