



Council of the  
European Union

Brussels, 14 January 2015  
(OR. en)

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#### NOTE

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From: Legal Service  
To: Permanent Representatives Committee (Part I)

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Subject: Case before the Court of Justice of the European Union  
- Case C-600/14 (Germany vs. Council)  
= Action for partial annulment of Council Decision 2014/699/EU of 24 June 2014 establishing the position to be adopted on behalf of the European Union at the 25th session of the OTIF Revision Committee as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to the Appendices thereto

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1. By letter dated 23 December 2014, received the same day, the Council was notified of Germany's application (dated 22 December 2014) before the Court of Justice seeking the partial annulment of Council Decision 2014/699/EU of 24 June 2014 establishing the position to be adopted on behalf of the European Union at the 25th session of the OTIF Revision Committee as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to the Appendices thereto .

2. In its application, Germany considers that the Union did not have any competence to establish the position of the Union as regards some parts of the above mentioned Decision, which, in Germany's view, concern matters falling under the competence of the Member States. Consequently, according to Germany, by adopting the contested Decision, the Council has infringed the principle of conferral on the basis of which the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties. Moreover, according to Germany, the Council did not observe the obligation to state reasons and the principle of loyal cooperation.
3. The Council may, according to Article 124(1) of the Rules of Procedure of the Court of Justice, lodge a statement of defence within two months after service of the application.
4. The Director-General of the Council Legal Service has appointed Ms Zuzana KUPČOVÁ and Ms Emer FINNEGAN, members of the Council Legal Service, as the Council's agents for this case.

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