

Judgment of the General Court of 13 December 2018 — Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v Commission

(Joined Cases T-339/16, T-352/16 and T-391/16) [1](#)

(Environment — Regulation (EU) 2016/646 — Pollutant emissions from light passenger and commercial vehicles (Euro 6) — Fixing, in respect of nitrogen oxide emissions, of not-to-exceed (NTE) values, during tests in real driving conditions (RDE) — Actions for annulment — Powers of a municipal authority concerning environmental protection to restrict the circulation of certain vehicles — Whether directly concerned — Admissibility — Lack of competence of the Commission — Compliance with higher legal norms — Temporal adjustment of the effects of an annulment — Non-contractual liability — Compensation for alleged harm to image and reputation)

Languages of the cases: Spanish and French

Parties

Applicant in Case T-339/16: Ville de Paris (France) (represented by: J. Assous, lawyer)

Applicant in Case T-352/16: Ville de Bruxelles (Belgium) (represented by: M. Uyttendaele and S. Kaisergruber, lawyers)

Applicant in Case T-391/16: Ayuntamiento de Madrid (Spain) (represented by: F. Zunzunegui Pastor, lawyer)

Defendant: European Commission (represented by: A.C. Becker, E. Sanfrutos Cano and J.-F. Brakeland, acting as Agents)

Re:

First, applications based on Article 263 TFEU seeking annulment of Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ 2016 L 109, p. 1) and, secondly, application based on Article 268 TFEU seeking compensation for damage that the City of Paris allegedly suffered as a result of the adoption of that regulation.

Operative part of the judgment

The Court:

Annuls point 2 of Annex II to Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) in so far as it fixes, in points 2.1.1 and 2.1.2 of Annex III A to Commission Regulation No 692/2008 of 18 July 2008 implementing Regulation (EC) No 715/2007, the final conformity factor CF_{pollutant} and the temporary conformity factor CF_{pollutant} for the mass of oxides of nitrogen;

Dismisses the actions as to the remainder;

Maintains the effects of the annulled provision under paragraph 1 of the present operative part until the adoption within a reasonable period of a new regulation replacing those provisions, that period not to exceed 12 months from the date on which the present judgment takes effect;

Orders the European Commission to bear its own costs and to pay half of the costs incurred by the Ville de Paris, the Ville de Bruxelles and the Ayuntamiento de Madrid.

¹ OJ C 314, 29.8.2016.