



Council of the
European Union

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CLIMA 34
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INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 1)
Subject:	Case brought before the Court of Justice <ul style="list-style-type: none">• Case C-771/23 Poland v Parliament and Council• Action for annulment of Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast)

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (07.02.2024)

1. By an application notified to the Council on 25 December 2023, the Republic of Poland has brought an action, pursuant to Article 263 TFEU, for the annulment of Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (recast).
2. In support of its application, the applicant submits two pleas:
 - incorrect legal basis, as the Directive should have been based on Article 192(2), c) TFEU;
 - breach of the principle of proportionality.
3. As one of the defendants, the Council is required, under Article 124(1) of the Rules of Procedure of the Court of Justice, to lodge a defence within two months of the notification of the application.

4. The Director-General of the Legal Service has appointed **DELETED**, **DELETED**, **DELETED** and **DELETED**, legal advisers in the Council Legal Service, as the Council's agents in this case.

