

Action brought on 23 October 2020 – Republic of Bulgaria v European Parliament, Council of the European Union

(Case C-543/20)

Language of the case: Bulgarian

Parties

Applicant: Republic of Bulgaria (represented by: L. Zaharieva, T. Mitova and M. Georgieva, acting as Agents)

Defendants: European Parliament, Council of the European Union

Form of order sought

The applicant claims that the Court should:

annul Article 1(6)(c) and (d) of Regulation (EU) 2020/1054 ¹ of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs;

in the alternative, should it find that it cannot grant the principal claim for partial annulment of the contested regulation, annul, in its entirety, Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs; and

order the European Parliament and the Council of the European Union to pay the costs of the present proceedings.

Pleas in law and main arguments

In support of its action, the applicant relies on five pleas in law:

First plea in law, alleging infringement of Article 21(1) and Article 45 of the Treaty on the Functioning of the European Union (TFEU) and of Article 45(1) of the Charter of Fundamental Rights of the European Union ('the Charter').

Second plea in law, alleging infringement of the principle of proportionality, laid down in Article 5(4) of the Treaty on European Union (TEU) and in Article 1 of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the TEU and the TFEU.

Third plea in law, alleging infringement of the principle of legal certainty.

Fourth plea in law, alleging infringement of the principle of proportionality, laid down in Article 5(4) TEU and in Article 1 of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the TEU and the TFEU.

Fifth plea in law, alleging infringement of the principle of equal treatment and non-discrimination, laid down in Article 18 TFEU and in Articles 20 and 21 of the Charter, of the principle of equality of Member States before the Treaties, laid down in Article 4(2) TEU, and, in so far as the Court considers it necessary, of Article 95(1) TFEU.

¹ OJ 2020 L 249, p. 1.