

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

**(Case C-545/20)**

*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 the following provisions of Regulation (EU) 2020/1055 <sup>1</sup> of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector:

Article 1(3), in so far as it provides for a subparagraph (b) of Article 5(1) of Regulation (EC) No 1071/2009. In the alternative, should the Court find that this is not possible, the Republic of Bulgaria claims that Article 1(3) should be annulled in its entirety; and

Article 2(4)(a). In the alternative, should the Court find that this is not possible, the Republic of Bulgaria claims that Article 2(4) should be annulled;

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) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector; 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 seven pleas in law:

First plea in law, alleging infringement of Article 90 of the Treaty on the Functioning of the European Union (TFEU) in connection with Article 3(3) of the Treaty on European Union (TEU), Article 11 TFEU, Article 37 of the Charter of Fundamental Rights of the European Union, Article 3(5) TEU, Article 208(2) and Article 216(2) TFEU and the Paris Agreement.

Second 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).

Third plea in law, alleging infringement of the principle of equal treatment and non-discrimination (Article 18 TFEU and Articles 20 and 21 of the Charter of Fundamental Rights of the European Union), of the principle of equality of Member States before the Treaties (Article 4(2) TEU), and, in so far as necessary, of Article 95(1) TFEU.

Fourth plea in law, alleging infringement of Article 91(1) TFEU.

Fifth plea in law, alleging infringement of Article 90, Article 91(2) and Article 94 TFEU and of Article 3(3) TEU.

Sixth plea in law, alleging infringement of the freedom to exercise a profession and the freedom of establishment under Article 49 TFEU and Articles 15 and 16 of the Charter of Fundamental Rights of the European Union.

Seventh plea in law, alleging infringement of Article 58(1) in connection with Article 91 TFEU, and, alternatively, Article 56 TFEU.

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<sup>1</sup> OJ 2020 L 249, p. 17.