

Action brought on 23 October 2020 – Republic of Cyprus v European Parliament and Council of the European Union

(Case C-549/20)

Language of the case: Greek

Parties

Applicant: Republic of Cyprus (represented by Eirini Neofytou)

Defendants: European Parliament and Council of the European Union

Form of order sought

The applicant claims that the Court should:

annul Article 1(3) of Regulation (EU) 2020/1055055 ¹ 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, to the extent that that provision establishes point (b) in Article 5(1) of Regulation No 1071/2009. In the alternative, if the Court holds that that is not possible, the Court is asked to annul Article 1(3) in its entirety;

in the alternative, if the Court holds an action seeking partial annulment of the contested regulation in terms of the above paragraph to be inadmissible, annul Regulation (EU) 2020/1055055 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;

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

Pleas in law and main arguments

In support of the action the applicant relies on seven grounds for annulment:

First ground for annulment: The applicant submits that the defendants infringed Article 90 TFEU read in conjunction with Article 3(3) TEU, Article 11 TFEU, Article 37 of the Charter of Fundamental Rights of the European Union, Article 3(5) TEU, Articles 208(2) and 216(2) TFEU and the Paris Agreement [on climate change].

Second ground for annulment, The applicant submits that the defendants infringed the principle of proportionality, as provided for in Article 5(4) TEU and in Article 1 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the EU Treaty and to the FEU Treaty.

Third ground for annulment, The applicant submits that the defendants infringed the principle of equal treatment and the prohibition of discrimination, as set out in Article 18 TFEU and in Articles 20 and 21 of the Charter of Fundamental Rights of the European Union, the principle of the equality of the Member States before the Treaties, as set out in Article 4(2) TEU, and, to the extent that it has been held to be necessary by the Court of Justice, Article 95(1) TFEU.

Fourth ground for annulment, The applicant submits that the defendants infringed Article 91(1) TFEU.

Fifth ground for annulment, The applicant submits that the defendants infringed Article 91(2) TFEU and Article 90 TFEU, read in conjunction with Article 3(3) TEU and Article 94 TFEU.

Sixth ground for annulment, The applicant submits that the defendants infringed the principles of freedom to pursue an occupation and freedom of establishment, as set out in Article 49 TFEU and Articles 15 and 16 of the Charter of Fundamental Rights of the European Union.

Seventh ground for annulment, The applicant submits that the defendants infringed Article 58(1) read in conjunction with Article 91 TFEU and, in the alternative, Article 56 TFEU.

¹ OJ 2020 L 249 p. 17.