

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

(Case C-550/20)

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 Directive (EU) 2020/1057 ¹ of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012, and

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 five grounds for annulment:

First 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 FEU Treaty.

Second ground for annulment: The applicant submits that the defendants infringed the principle of equal treatment and the prohibition on 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.

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

Fourth 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.

Fifth ground for annulment: The applicant submits that the defendants infringed Articles 34 and 35 TFEU, with no justification on the basis of Article 36 TFEU, and Article 58(1) TFEU read in conjunction with Article 91 TFEU or, in the alternative, Article 56 TFEU.

¹ OJ 2020 L 249, p. 49.