

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

(Case C-552/20)

Language of the case: English

Parties

Applicant: Republic of Malta (represented by: A. Buhagiar, Agent, D. Sarmiento Ramírez-Escudero, J. Sedano Lorenzo, abogados)

Defendants: European Parliament, Council of the European Union

The applicant claims that the Court should:

Annul Article 5(1)(b) of Regulation 1071/2009¹ and Article 8(2a) of Regulation 1072/2009², as amended by Articles 1 and 2, respectively, of Regulation (EU) 2020/1055³ 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 to pay the Applicant's costs.

Pleas in law and main arguments

In support of the action, the Republic of Malta seeks the annulment of the contested measures on the following grounds.

First plea in law, requesting that the Court declares the annulment of Article 1(3) of Regulation 2020/1055 (the "Return-Home of Vehicles" rule), inasmuch it

Infringes Article 91(2) TFEU, in conjunction with Article 11 TFEU and Article 37 of the Charter of Fundamental Rights of the European Union, given its enactment with disregard of environmental impact considerations and its serious effects on transport operations.

Infringes Article 5(4) TEU and the principle of proportionality, as it is not the least restrictive measure and causes a disproportionate harm in terms of a costs versus benefits from an environmental and transport operations perspective.

Second plea in law, requesting that the Court declares the annulment of Article 2(4)(a) of Regulation 2020/1055 ("Cabotage Cooling-Off Period" rule), inasmuch it

Infringes Article 91(2) TFEU due to the defendants' neglect of the measure's serious impact on transport operations.

Infringes Article 5(4) TEU and the principle of proportionality, as it severely restricts the ability of haulers to arrange their logistics and ensure a smooth running of their fleets.

Infringes Articles 20 and 21 of the Charter of Fundamental Rights of the EU and the principle of equal-treatment, for not taking into account the singularities of an insular Member State and of its market of transport of goods without any objective justification.

¹ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ 2009, L 300, p. 51).

² Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ 2009, L 300, p. 72).

³ OJ 2020, L 249, p. 17.