

Action brought on 26 October 2020 – Republic of Poland v European Parliament and the Council of the European Union

(Case C-555/20)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Defendants: European Parliament, Council of the European Union

Form of order sought

The applicant claims that the Court should:

annul Article 1(3), (4), (6) and (7) and Article 9(1) of Directive (EU) 2020/1057 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; [1](#)

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

In the alternative, should the Court of Justice consider that the contested provisions of Directive 2020/1057 cannot be separated from the rest of that directive without altering its substance, the Republic of Poland seeks annulment of that directive in its entirety.

Pleas in law and main arguments

The Republic of Poland seeks the annulment of Article 1(3), (4), (6) and (7) and Article 9(1) of Directive (EU) 2020/1057 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 (OJ 2020 L 249, p. 49), and an order that the European Parliament and the Council of the European Union pay the costs.

In the alternative, should the Court of Justice consider that the contested provisions of Directive (EU) 2020/1057 cannot be separated from the rest of that directive without altering its substance, the Republic of Poland seeks the annulment of Directive (EU) 2020/1057 in its entirety.

The Republic of Poland raises the following pleas in law against Article 1(3), (4), (6) and (7) of Directive (EU) 2020/1057, alleging:

- 1) infringement of the principle of proportionality (Article 5(4) TEU) by establishing inadequate criteria for the application of the provisions of Directive 96/71/EC and Directive 2014/67/EU to transport operations;
- 2) infringement of Article 91(2) TFEU by adopting measures without taking account of their impact on the quality of life and level of employment in certain regions, as well as on the functioning of the transport infrastructure;
- 3) infringement of Article 94 TFEU by adopting measures without taking account of the economic situation of carriers;

4) infringement of Article 11 TFEU and Article 37 of the EU Charter of Fundamental Rights by failing to take account of environmental protection requirements.

In contrast, against Article 9(1) of Directive (EU) 2020/1057, the Republic of Poland alleges infringement of the principle of proportionality (Article 5(4) TEU), the principle of legal certainty and Article 94 TFEU by defining an excessively short period for implementing that directive.

In particular, the Republic of Poland claims that the contested provisions infringe the principle of proportionality. As a result of the adoption of inappropriate criteria determining to which drivers the provisions of Directives 96/71/EC and 2014/67/EU will apply, excessive burdens have been imposed on carriers, which will have a negative impact not only on the situation of individual entrepreneurs and the transport services market, but also on the environment. The negative effects of the provisions complained of will be felt in particular by entrepreneurs from countries outside the centre of the European Union. At the same time, the solutions adopted are not objectively justified in view of the situation of drivers. They also do not reflect the specific nature of the regulated services.

¹ OJ 2020 L 249, p. 49.