

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

(Case C-553/20)

Language of the case: Polish

Parties

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

Defendants: European Parliament and Council of the European Union

Form of order sought

The applicant claims that the Court should:

annul Article 1(6)(d) of Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs; ¹

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

In the alternative, should the Court of Justice consider that the contested provision of Regulation 2020/1054 cannot be separated from the rest of that regulation without altering its substance, the Republic of Poland seeks the annulment of Regulation 2020/1054 in its entirety.

Pleas in law and main arguments

The Republic of Poland raises the following pleas in law against the contested provisions of Regulation 2020/1054, alleging:

infringement of the principle of proportionality (Article 5(4) TEU), by arbitrarily determining the places where drivers are required to take a rest;

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;

infringement of Article 94 TFEU, by adopting measures without taking account of the economic situation of carriers;

infringement of the principle of legal certainty, in that the provision is worded in a way that is imprecise and does not allow the obligations arising from it to be determined;

infringement of Article 11 TFEU and Article 37 of the Charter of Fundamental Rights of the European Union, by failing to take account of environmental protection requirements.

In particular, the Republic of Poland claims that the contested provision infringes the principle of proportionality. As a result of the adoption of inappropriate criteria for deciding where drivers should take their rest, the principle, resulting from Regulation No 561/2006, that the driver may make free disposal of his or her time during the rest period is infringed. At the same time, excessive burdens have been imposed on road hauliers, which will have a negative impact not only on the situation of individual entrepreneurs, especially small and medium-sized undertakings, and on the transport services market, but also on the natural environment. The negative effects of the application of the contested provision will be felt in particular by entrepreneurs from

countries outside the centre of the European Union. At the same time, the solution adopted is not objectively justified in view of the situation of drivers. Nor does it reflect the specific nature of the regulated services.

¹ OJ 2020 L 249, p. 1.