

Romania asking court to repeal problematic EU freight transport competitiveness provisions

The Romanian Government on Friday brought three actions in annulment before the Court of Justice of the European Union (CJEU) related to problematic provisions in the EU Mobility Package I regarding competitiveness of freight transport.

According to Romania's Foreign Ministry (MAE), the provisions of the EU pieces of legislation subject to the action for annulment brought by the Romanian Government concern aspects that will have significant negative implications on the internal market and will affect the competitiveness of freight transport in the EU, namely scrapping the normal weekly breaks aboard the vehicles; driver's obligation to return periodically to the employer's operational centre or place of residence; the obligation to return the vehicle to one of the operational centres eight weeks from the departure; setting additional limitations when performing cabotage operations; setting of specific norms regarding the posting of drivers.

Romania's position in the actions for annulment brought before CJEU was made through the coordination between MAE and the Ministry of Transport, Infrastructure and Communications (MTIC), with the notification being submitted by the Government Agent for the CJEU within MAE.

The notification follows the steps constantly promoted by Romania to counteract what it calls the restrictive and disproportionate nature of these provisions in the Mobility Package I.

MAE says the Romanian Government intends to submit requests for intervention in actions for annulment that will be brought before CJEU by other EU member states with similar interests.

Foreign Minister Bogdan Aurescu said on Twitter, referring to this subject, that "Romania is determined to defend its interests and rights."

The three pieces of legislation that make up the Mobility Package I, published in the Official Journal of the European Union on 31 July 2020 and that are the object of Romania's action for annulment are the following:

- 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;
- Regulation (EU) 2020/1055 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;
- 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.

MAE says Romania has opposed the adoption of the three pieces of legislation together with other eight EU member states with similar interests in the matter - Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta and Poland. Romania voted against approving the texts resulting from negotiations with the European Parliament.