

Question referred

Are Articles 17 and 2(5)(c) of Regulation (EU) No 1380/2013⁽¹⁾ of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, in the light of Articles 16 and 20 of the Charter of Fundamental Rights of the European Union, to be interpreted as meaning that, when a Member State exercises the discretion provided for in Article 16(6), it is prohibited from choosing a method of allocation of the fishing quotas allocated to it which causes unequal conditions of competition for economic operators engaging in activity in this field on account of a greater quantity of fishing opportunities, even if that method is based on a transparent and objective criterion?

⁽¹⁾ OJ 2013 L 354, p. 22.

Action brought on 25 October 2016 — European Commission v Kingdom of Denmark

(Case C-541/16)

(2017/C 006/37)

Language of the case: Danish

Parties

Applicant: European Commission (represented by: L. Grønfeldt and J. Hottiaux, acting as Agents)

Defendant: Kingdom of Denmark

Form of order sought

- Declare that the Kingdom of Denmark has failed to fulfil its obligations under Article 2(6) Regulation (EC) No 1072/2009⁽¹⁾ on common rules for access to the international road haulage market;
- order Kingdom of Denmark to pay the costs.

Pleas in law and main arguments

- The Commission submits that Article 8(2) of Regulation (EC) No 1072/2009 regulates exhaustively how hauliers may to carry out cabotage operations on the terms laid down in that article. The provision does not provide for a maximum number of loading and/or unloading sites within the same cabotage operation. The limit of a maximum of three cabotage operations does not mean that a cabotage operation must include a set number of loading and/or unloading sites.
- Under the Danish rules cabotage can consist either of a number of loading sites or a number of unloading sites, but not both. The Danish rules preclude non-resident hauliers from carrying out cabotage operations consisting of a number of loading and unloading sites, which constitutes a restriction on how those hauliers may carry out cabotage operations in Denmark as provided for under Regulation (EC) No 1072/2009.

⁽¹⁾ 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).
