Reports of Cases

Judgment of the Court (Tenth Chamber) of 14 January 2016 —

Commission v Greece

(Case C-66/15) [1]

(Failure of a Member State to fulfil obligations — Freedom to provide services — Motor vehicles — Leasing or hiring of a motor vehicle by a resident of a Member State from a supplier established in another Member State — Taxation of that vehicle at the time it is registered in the first Member State — Levy of the full amount of vehicle registration tax)

1. *Freedom to provide services — Restrictions — Tax legislation — National legislation requiring the levy of the full amount of a tax at the time of registration of a vehicle which is rented or leased by a customer resident in a Member State from a supplier established in another Member State, without taking into consideration the duration of the rental contract or lease contract and the duration of use of that vehicle in the territory of the first Member State — Failure to fulfil obligations (Arts 56 TFEU to 62 TFUE) (see paras 31-34, 41, operative part 1)*

2. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (see para. 36)*

3. *Member States — Obligations — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 37)*

Operative part

The Court:

1. Declares that, by levying the full amount of registration tax provided for under its national legislation at the time of registration of a vehicle which is rented or leased by a customer resident in its territory from a supplier established in another Member State, without taking

1 — C 138, 27.4.2015.

into consideration the duration of the rental contract or lease contract and the duration of use of that vehicle in the national territory of Greece, the Hellenic Republic failed to fulfil its obligations under Articles 56 TFEU to 62 TFEU;

2.   Orders the Hellenic Republic to pay the costs.