

Judgment of the Court (Fifth Chamber) of 20 March 2014 — European Commission v Republic of Lithuania

(Case C-61/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Registration of motor vehicles — Articles 34 TFEU and 36 TFEU — Directive 70/311/EEC — Directive 2007/46/EC — Driving on the right in a Member State — Obligation, for the purpose of registration, to reposition to the left-hand side the steering equipment of passenger vehicles positioned on the right-hand side)

(2014/C 142/04)

Language of the case: Lithuanian

Parties

Applicant: European Commission (represented by: A. Steiblytė, G. Wilms and G. Zavvos, acting as Agents)

Defendant: Republic of Lithuania (represented by: D. Kriaučiūnas and R. Krasuckaitė, acting as Agents)

Interveners in support of the defendant: Republic of Estonia (represented by: M. Linntam, acting as Agent), Republic of Latvia (represented by: I. Kalniņš and A. Nikolajeva, acting as Agents), Republic of Poland (represented by: B. Majczyna and M. Szpunar, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 34 TFEU, Article 2a of Council Directive 70/311/EEC of 8 June 1970 on the approximation of the laws of the Member States relating to the steering equipment for motor vehicles and their trailers (OJ, English Special Edition 1970 (II), p. 375) and Article 4(3) of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ 2007 L 263, p. 1) — National legislation prohibiting the registration of new right-hand-drive passenger cars despite the compliance of those vehicles with the requirements laid down by the Framework Directive and the separate directives — Refusal to register right-hand-drive passenger cars previously registered in another Member State.

Operative part of the judgment

The Court:

1. Declares that, by prohibiting the registration of passenger vehicles having their steering-wheel on the right-hand side, and/or by requiring, for the purpose of registering passenger vehicles with the steering equipment situated on the right-hand side, whether they are new or previously registered in other Member States, the steering-wheel to be repositioned to the left-hand side, the Republic of Lithuania has failed to fulfil its obligations under Article 2a of Council Directive 70/311/EEC of 8 June 1970 on the approximation of the laws of the Member States relating to the steering equipment for motor vehicles and their trailers (OJ 1970 L 133, p. 10), Article 4(3) of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ 2007 L 263, p. 1), and under Article 34 TFEU.
2. Orders the Republic of Lithuania to pay the costs.
3. Orders the Republic of Estonia, the Republic of Latvia and the Republic of Poland to bear their own costs.

⁽¹⁾ OJ C 118, 21.4.2012.