



Reports of Cases

Judgment of the Court (Fifth Chamber) of 3 April 2014 — **Commission v Spain**

(Case C-428/12)

(Failure of a Member State to fulfil obligations — Articles 34 TFEU and 36 TFEU — Measures of equivalent effect to quantitative restrictions on imports — Complementary private goods transport — The first vehicle of the fleet of a company — Rules for obtaining the road transport authorisation — Road safety and environmental protection)

Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Complementary private goods transport — National rules for obtaining a licence — Obligation, for vehicles with a maximum authorised mass exceeding 3.5 tons, to be no more than five months old as of the first registration as the first vehicle of the fleet — Not permissible — Justification — Protection of the environment — Road safety — None (Arts 34 TFEU and 36 TFEU) (see paras 29-34, 36-38, 41, operative part)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 34 TFEU and 36 TFEU — Granting of authorisations for motor vehicles — National legislation requiring, in order to obtain an ‘authorisation for private, own-account transport’, no more than five months to have elapsed since the first registration of the first heavy goods vehicle of an undertaking’s fleet.

Operative part

The Court:

1. Declares that by requiring, in Article 31 of Ministerial Decree FOM/734/2007 of 20 March 2007 implementing the Law on the Regulation of Inland Transport in respect of authorisations for the transport of goods by road for vehicles with a maximum authorised mass exceeding 3.5 tons, that, in order to obtain an authorisation for the private, own-account transport of goods, no more than five months must have elapsed since the first registration of the first vehicle of an undertaking’s fleet, the Kingdom of Spain has failed to fulfil its obligations under Article 34 TFEU;

2. Orders the Kingdom of Spain to pay the costs.