

Form of order sought

- declare that, by failing to set up a national electronic register of road transport undertakings and failing to connect it to the national electronic registers of the other Member States, the Czech Republic has failed to fulfil its obligations under Article 16(1) and (5) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;
- order the Czech Republic to pay the costs.

Pleas in law and main arguments

In support of its application, the Commission puts forward the following arguments:

The Czech Republic did not, by 30 June 2015, when the period laid down in the reasoned opinion expired, set up a national electronic register of road transport undertakings and did not connect it to the national electronic registers of the other Member States, as it should have done in accordance with Article 16(1) and (5) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC⁽¹⁾.

⁽¹⁾ OJ 2009 L 300, p. 51.

Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 11 November 2015 — Openbaar Ministerie v Gerrit van Vemde

(Case C-582/15)

(2016/C 027/20)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: Openbaar Ministerie

Defendant: Gerrit van Vemde

Question referred

Must the first sentence of Article 28(2) of Framework Decision 2008/909/JHA⁽¹⁾ be understood as meaning that the declaration referred to therein may relate only to judgments issued before 5 December 2011, irrespective of when those judgments became final, or must that provision be understood as meaning that the declaration may relate only to judgments which became final before 5 December 2011?

⁽¹⁾ Council Framework Decision of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ 2008 L 327, p. 27).