

**Request for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen (Germany) lodged on 20 March 2018 — Deutsche Post AG, Klaus Leymann v Land Nordrhein-Westfalen**

**(Case C-203/18)**

(2018/C 231/11)

*Language of the case: German*

**Referring court**

Oberverwaltungsgericht für das Land Nordrhein-Westfalen

**Parties to the main proceedings**

*Applicant:* Deutsche Post AG, Klaus Leymann

*Defendant:* Land Nordrhein-Westfalen

**Questions referred**

1. Is the exception set out in Article 13(1)(d) of Regulation (EC) No 561/2006 <sup>(1)</sup> of the European Parliament and of the Council of 15 March 2006 as amended by Article 45(2) of Regulation (EU) No 165/2014 <sup>(2)</sup> of the European Parliament and of the Council of 4 February 2014 to be interpreted as covering only vehicles or combinations of vehicles that are used exclusively for the purpose of delivering packages in the context of the universal service, or can it additionally be applied where the vehicles or combinations of vehicles are used, predominantly or to a degree determined in some other way, also for the purpose of delivering packages in the context of the universal service?
2. In the context of the exception referred to in the first question, for the purposes of assessing whether vehicles or combinations of vehicles are used exclusively or, as the case may be, predominantly or to a degree determined in some other way, also for the purpose of delivering packages in the context of the universal service, is the general use of a vehicle or combination of vehicles to be used as a basis for that assessment, or the specific use of a vehicle or combination of vehicles for a single journey?

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<sup>(1)</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ 2006 L 102, p. 1).

<sup>(2)</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ 2014 L 60, p. 1).

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**Request for a preliminary ruling from the Schienen-Control Kommission (Austria) lodged on 23 March 2018 — WESTbahn Management GmbH v ÖBB-Infrastruktur AG**

**(Case C-210/18)**

(2018/C 231/12)

*Language of the case: German*

**Referring court**

Schienen-Control Kommission

**Parties to the main proceedings**

*Applicant:* WESTbahn Management GmbH