

EN

E-002082/2024

Answer given by Mr Tzitzikostas
on behalf of the European Commission
(9.1.2025)

1. The decision of the Court of Justice of the European Union of 4 October 2024¹ declaring void the provision on the return of the vehicle² holds direct effect within the EU legal order. In accordance with Article 264 of the Treaty on the Functioning of the European Union, the provision is therefore to be considered void without any action needed from the Commission.

2. and 3. As indicated in the reply to written question P-002375/2024, the provision was not part of the Commission's proposal. At the time of adoption, the Commission made a declaration³ noting that the obligation of return of the truck would lead to inefficiencies in the transport system and an increase in unnecessary emissions, pollution, and congestion. These potential inefficiencies were confirmed by the study assessing the expected impacts of this obligation published in February 2021⁴.

At this point the Commission does not see any need for legislative action to reinstate the provisions. The Commission will continue working together with the Member States on the implementation of the Mobility Package I to ensure a well-functioning internal market, fair competitive conditions for all players involved and improved social conditions for drivers. In this regard, the Commission will remain attentive as to any negative impact that the annulment of the provision on the return of the vehicle might have, especially on the working conditions of drivers and take any appropriate action.

¹ Cases C-541/20 to C-555/20.

² Article 1(3) of Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector (OJ L 249, 31.7.2020, p. 17), amending Article 5(1)(b) 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, OJ L 300, 14.11.2009, p. 51.

³ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020C0731\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020C0731(01))

⁴ <https://op.europa.eu/en/publication-detail/-/publication/b35587b8-72a1-11eb-9ac9-01aa75ed71a1>