

SUMMARY

ECJ 11 May 2023, case C-155/22 (Bezirkshauptmannschaft Lilienfeld), Miscellaneous, Work and Residence Permit

***RE – v – Bezirkshauptmannschaft Lilienfeld, Arbeitsinspektorat NÖ
Wald- und Mostviertel, Austrian case***

Summary

A national system which prevents that misbehaviour of relevant persons can be held against a transport undertaking, is contrary to EU law. The ECJ's summary is available [here](#).

Questions

Must Article 22 of Regulation No 1071/2009, read in conjunction with Article 6(1) of that regulation, be interpreted as precluding a national law pursuant to which a person that incurs criminal responsibility for infringements committed within a road transport undertaking and whose conduct is taken into account for the purpose of assessing the good repute of that undertaking may designate a person as having the capacity of the agent responsible for compliance with the provisions of EU law concerning the driving time and rest periods of drivers, thereby transferring to that latter person the criminal responsibility for infringements of those provisions of EU law, where the national law does not permit the infringements imputed to that agent to be taken into account for the purpose of assessing whether that transport undertaking meets the requirement of good repute?

Ruling

Article 22 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, as amended by Council Regulation (EU) No 517/2013 of 13 May 2013, read in conjunction with Article 6(1) of Regulation No 1071/2009, as amended,

must be interpreted as precluding a national law pursuant to which a person that incurs criminal responsibility for infringements committed within a road transport undertaking and whose conduct is taken into account for the purpose of assessing the good repute of that undertaking may designate a person as an agent responsible for compliance with the provisions of EU law concerning the driving time and rest periods of drivers, thereby transferring to that person criminal responsibility for infringements of those provisions of EU law, where the national law does not permit the infringements imputed to that agent to be taken into account for the purpose of assessing whether that undertaking meets the requirement of good repute?

Creator: European Court of Justice (ECJ)

Verdict at: 2023-05-11

Case number: C-155/22