

C/2024/6081

21.10.2024

**Appeal brought on 14 August 2024 by the Republic of Poland against the order of the General Court
(Second Chamber, Extended Composition) delivered on 29 May 2024 in Joined Cases T-200/22 and
T-314/22 Republic of Poland v Commission**

(C-554/24 P)

(C/2024/6081)

Language of the case: Polish

Parties

Appellant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- annul in its entirety the judgment of the General Court of the European Union of 29 May 2024 (*Poland v Commission*, T-200/22 and T-314/22, EU:T:2024:329)
- annul the decision of the European Commission contained in the letters of 7 February 2022, 8 February 2022, 16 March 2022, 31 March 2022 and 16 May 2022 relating to the offsetting of the amounts receivable by way of the daily penalty payments imposed by the order of the Vice-President of the Court of Justice of 20 September 2021 (*Czech Republic v Poland*, C-121/21 R, EU:C:2021:752) with regard to the period from 20 September 2021 to 3 February 2022;
- order the European Commission to pay the costs of the proceedings at first instance and on appeal

Grounds of appeal and main arguments

Poland raises the following grounds against the judgment under appeal:

1. Ground of appeal alleging infringement of Article 279 TFEU on the ground that the General Court incorrectly interpreted that provision which led it to consider that the removal of the case in the main proceedings from the register did not have the effect of extinguishing the Member State's obligation to settle the amount payable in respect of the periodic penalty payment imposed on that Member State in proceedings for interim measures.

In the context of that ground of appeal, Poland notes in particular that the General Court infringed Article 279 TFEU in so far as:

- (a) it incorrectly interpreted the principle of the interim and ancillary nature, in relation to the main proceedings, of proceedings for interim measures, by giving precedence to the principle of effectiveness of EU over the principle of protection of the interests of the party seeking the interim measures;
- (b) it incorrectly interpreted the provisional measures so that a party to the proceedings could not have its economic rights reinstated at the end of the main proceedings;
- (c) it conferred the nature of a penalty on the provisional measure consisting in the obligation to make a daily penalty payment, even though Article 279 TFEU does not allow the imposition of punitive measures;
- (d) it relied incorrectly on the findings of the order of the Vice-President of the Court of Justice of 19 May 2022, *Czech Republic v Poland* (C 121/21 R), which led it to find that the removal of the case in the main proceedings from the register did not have the effect of extinguishing Poland's obligation to pay the amount due in respect of the penalty payment.

2. Ground of appeal alleging infringement of Article 36 of the Statute of the Court of Justice, relating to the obligation to state reasons on which judgments are based.

In the context of that ground of appeal, Poland claims that the General Court did not comply with its obligation to state reasons, in so far as it did not duly set out the grounds based on which it rejected Poland's arguments concerning the national legal systems, from which it follows that the precautionary measures imposed, pending a final ruling, cease to produce effects retroactively when the case in the main proceedings becomes devoid of purpose.
