

Action brought on 21 December 2017 — European Commission v Republic of Poland

(Case C-715/17)

(2018/C 112/24)

*Language of the case: Polish***Parties**

Applicant: European Commission (represented by: A. Stobiecka-Kuik and G. Wils, acting as Agents)

Defendant: Republic of Poland

Form of order sought

The applicant claims that the Court should:

- declare that, by failing to indicate at regular intervals, and at least every three months, the appropriate number of applicants who can be relocated swiftly to its territory starting from 16 March 2016, the Republic of Poland has failed to fulfil its obligations under Article 5(2) of Council Decision (EU) 2015/1523 and under Article 5(2) of Council Decision (EU) 2015/1601, and has consequently failed to fulfil its other relocation obligations as set out in Article 5(4) to (11) of both of the aforementioned Council decisions;

- order the Republic of Poland to pay the costs.

Pleas in law and main arguments

A provisional emergency relocation scheme was established in two Council decisions adopted in September 2015, namely Council Decision (EU) 2015/1523 ⁽¹⁾ and Council Decision (EU) 2015/1601, ⁽²⁾ pursuant to which the Member States undertook to relocate from Italy and Greece persons requiring international protection.

Those Council decisions place the Member States under an obligation to offer relocation places every three months with a view to ensuring a swift and orderly relocation procedure. Although almost all the other Member States have taken steps to fulfil their obligations in this matter, including relocation, Poland has not carried out any relocation, nor has it proposed any appropriate relocation place since December 2015.

On 16 June 2017 the Commission initiated a Treaty-infringement procedure against Poland.

Having considered the response of that Member State to be unsatisfactory, the Commission decided to proceed to the next stage of the Treaty-infringement procedure by sending the Republic of Poland a reasoned opinion on 26 July 2017.

Having also deemed the response to the reasoned opinion to be unsatisfactory, the European Commission has decided to bring proceedings before the Court of Justice of the European Union against the Republic of Poland in relation to the latter's non-performance of its legal relocation obligations.

⁽¹⁾ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ 2015 L 239, p. 146).

⁽²⁾ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ 2015 L 248, p. 80).