

**Action brought on 22 December 2017 — European Commission v Hungary**

(Case C-718/17)

(2018/C 112/25)

*Language of the case: Hungarian***Parties***Applicant:* European Commission (represented by: A. Tokár and G. Wils, acting as Agents)*Defendant:* Hungary**Form of order sought**

- Declare that by failing to indicate, at regular intervals, and at least every three months, the number of applicants who can be relocated swiftly to its territory, Hungary has failed to fulfil its obligations under Article 5(2) of Council Decision (EU) 2015/1601 and, consequently, has also failed to fulfil its obligations under Article 5(4) to (11) of that decision.
- Order Hungary to pay the costs.

**Pleas in law and main arguments**

The two decisions adopted by the Council in September 2015, namely, Council Decision (EU) 2015/1523 <sup>(1)</sup> and Council Decision (EU) 2015/1601, <sup>(2)</sup> established a temporary and emergency relocation scheme, under which the Member States had the obligation to relocate from the territory of Italy and Greece persons in need of international protection.

The Council Decisions obliged the Member States to offer every quarter places for applicants who can be relocated, ensuring thereby the prompt and orderly processing of the relocation procedure. Although nearly all the Member States relocated applicants and met their obligations in this field, Hungary has not adopted any kind of measure since the start of the relocation scheme.

On 16 June 2017, the Commission initiated infringement proceedings against Hungary concerning Council Decision (EU) 2015/1601.

Considering that Hungary's response was unsatisfactory, the Commission moved on to the next step of the infringement proceedings and, on 26 July 2017, sent Hungary a reasoned opinion.

Considering that the reply to the reasoned opinion was unsatisfactory as well, the Commission decided to bring the case before the Court of Justice for a declaration that Hungary had failed to fulfil its relocation obligations.

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

**Action brought on 22 December 2017 — European Commission v Czech Republic**

(Case C-719/17)

(2018/C 112/26)

*Language of the case: Czech***Parties***Applicant:* European Commission (represented by: Z. Malůšková and G. Wils, acting as Agents)*Defendant:* Czech Republic