

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 ⁽¹⁾ and Council Decision (EU) 2015/1601, ⁽²⁾ 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.

⁽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).

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

Form of order sought

1. declare that, by failing to indicate at regular intervals, at least every three months, the relevant number of applicants who could be relocated swiftly to its territory, the Czech Republic has failed to fulfil its obligations under Article 5(2) of 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⁽¹⁾ and Article 5(2) of 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,⁽²⁾ and hence also the further obligations concerning relocation laid down in Articles 5(4) to (11) of those two Council decisions;
2. order the Czech Republic to pay the costs.

Pleas in law and main arguments

In September 2015 the Council adopted a provisional programme of emergency relocation by means of two decisions, namely Decision (EU) 2015/1523 and Decision (EU) 2015/1601, on the basis of which the Member States undertook to relocate from Italy and Greece persons in clear need of international protection.

The Council decisions impose an obligation on the Member States to offer every three months available places for relocation, so as to ensure a speedy and orderly relocation process. While nearly all States carried out relocations and accepted obligations in that field, the Czech Republic has not carried out any relocations since August 2016, and for more than a year now has not offered any new places.

On 15 June 2017 the Commission started a procedure for failure to fulfil obligations against the Czech Republic.

The Czech Republic's answer was not regarded as satisfactory, and the Commission therefore decided to proceed to the next step in the procedure, namely the issuing of a reasoned opinion on 26 July 2017.

The answer to the reasoned opinion was not regarded as satisfactory, and the Commission therefore decided to bring an action against the Czech Republic before the Court of Justice of the European Union for failure to fulfil obligations concerning relocation.

⁽¹⁾ OJ 2015 L 239, p. 146.

⁽²⁾ OJ 2015 L 248, p. 80.

**Appeal brought on 24 December 2017 by the European Commission against the judgment of the
General Court (Third Chamber) delivered on 13 October 2017 in Case T-572/16, Brouillard v
Commission**

(Case C-728/17 P)

(2018/C 112/27)

Language of the case: French

Parties

Appellant: European Commission (represented by: P. Mihaylova and G. Gattinara, acting as Agents)

Other party to the proceedings: Alain Laurent Brouillard

Form of order sought

The Commission requests the Court to:

- set aside the judgment of the General Court of 13 October 2017, *Brouillard v Commission* (T-572/16);
- dismiss the action brought at first instance;
- order the respondent to pay in full the costs of both sets of proceedings.