

2. Second plea in law, alleging, in the alternative, a breach of the principle of proportionality set out in Article 12(8) of Delegated Regulation 907/2014,<sup>(4)</sup> inasmuch as the flat-rate correction was not reduced.

- In that regard, the applicant claims that the Commission failed to take into account that the three risk extrapolations presented by the Spanish authorities and the fact that all of the deficiencies corresponded to certain population groups demonstrated that the flat-rate correction was disproportionate. Moreover, the Commission erred in failing to apply the reduction provided for in Article 12(8) of Delegated Regulation 907/2014.

<sup>(1)</sup> OJ 2022 L 157, p. 15.

<sup>(2)</sup> OJ 2013 L 347, p. 549.

<sup>(3)</sup> OJ 2014 L 227, p. 69.

<sup>(4)</sup> OJ 2014 L 255, p. 18.

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### Action brought on 28 August 2022 — Medel v Council

(Case T-530/22)

(2022/C 418/53)

*Language of the case: English*

#### Parties

*Applicant:* Magistrats européens pour la démocratie et les libertés (Medel) (Strasbourg, France) (represented by: C. Zatschler, Senior Counsel, E. Egan McGrath, Barrister-at-law, A. Bateman and M. Delargy, Solicitors)

*Defendant:* Council of the European Union

#### Form of order sought

The applicant claims that the Court should:

- Annul the Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland; and
- Order the Council to bear its own costs and pay those of the applicant.

#### Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging the Council disregarded the case law of the Court of Justice held in judgment of 19 November 2019, *A. K. and Others* (Independence of the Disciplinary Chamber of the Supreme Court of Poland) (C-585/18, C-624/18 and C-625/18, EU:C:2019:982), judgment of 15 July 2021, *Commission v Poland* (Disciplinary regime applicable to judges) (C-791/19, EU:C:2021:596), order of 8 April 2020, *Commission v Poland* (C-791/19 R, EU:C:2020:277) and order of the Vice-President of the Court of 14 July 2021, *Commission v Poland* (C-204/21 R, EU:C:2021:593), and infringed Articles 2 and 13(2) TEU.

The applicant further submits under this plea that the Council exceeded its competence to the extent that it purported to determine how Poland should comply with the case law of the Court of Justice concerning the Disciplinary Chamber of the Supreme Court of Poland (hereafter the 'Disciplinary Chamber').

2. Second plea in law, alleging that the Council infringed Articles 2 and 19(1) TEU and Article 47 of the Charter of Fundamental Rights and Freedoms (hereafter the 'Charter'), as authoritatively interpreted by the Court of Justice.

In support of this plea, the applicant argues that the milestones, on which the Contested Decision is founded, infringe Articles 2 and 19(1) TEU and Article 47 of the Charter, in that they:

- accord legal effects to the decisions of the Disciplinary Chamber rather than considering them null and void,

- impose additional procedural burdens, uncertainty and delays on judges affected by unlawful decisions of the Disciplinary Chamber by requiring the judges in question to commence a new set of proceedings before a newly constituted chamber in the Supreme Court to clear their name; and
  - do not even foresee the judges in question being at least temporarily reinstated pending the outcome of any review proceedings.
3. Third plea in law, alleging that milestones F1G, F2G and F3G provided for in the Contested Decision are insufficient to re-establish effective judicial protection in Poland, which is a prerequisite for the functioning of an internal control system. The applicant contends that the Contested Decision accordingly infringes Articles 20(5)(e) and 22 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ 2021 L 57, p. 17) and Article 325 TFEU, which require effective and efficient internal controls.
  4. Fourth plea in law, alleging that the Council erred in law and/or committed manifest errors of assessment in applying Article 19(3) of Regulation 2021/241 in approving the milestones to be 'adequate arrangements' for the prevention, detection and correction of corruption in Poland.
  5. Fifth plea in law, alleging that the Council failed to adequately state reasons for the Contested Decision, thereby infringing Article 296 TFEU, Article 41 of the Charter, and the principles of EU law.

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**Action brought on 28 August 2022 — International Association of Judges v Council**

(Case T-531/22)

(2022/C 418/54)

*Language of the case: English*

**Parties**

*Applicant:* International Association of Judges (Rome, Italy) (represented by: C. Zatschler, Senior Counsel, E. Egan McGrath, Barrister-at-law, A. Bateman and M. Delargy, Solicitors)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Annul the Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland; and
- Order the Council to bear its own costs and pay those of the applicant.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging the Council disregarded the case law of the Court of Justice held in judgment of 19 November 2019, *A. K. and Others* (Independence of the Disciplinary Chamber of the Supreme Court of Poland) (C-585/18, C-624/18 and C-625/18, EU:C:2019:982), judgment of 15 July 2021, *Commission v Poland* (Disciplinary regime applicable to judges) (C-791/19, EU:C:2021:596), order of 8 April 2020, *Commission v Poland* (C-791/19 R, EU:C:2020:277) and order of the Vice-President of the Court of 14 July 2021, *Commission v Poland* (C-204/21 R, EU:C:2021:593), and infringed Articles 2 and 13(2) TEU.

The applicant further submits under this plea that the Council exceeded its competence to the extent that it purported to determine how Poland should comply with the case law of the Court of Justice concerning the Disciplinary Chamber of the Supreme Court of Poland (hereafter the 'Disciplinary Chamber').