



Relocation: Commission moves to next stage in infringement procedures against the Czech Republic, Hungary and Poland

Brussels, 26 July 2017

The European Commission has today sent reasoned opinions to the Czech Republic, Hungary and Poland for non-compliance with their legal obligations on relocation.

Despite repeated calls for action and the launch of infringement procedures by the Commission last month, these three countries remain in breach of their legal obligations and have shown disregard for their commitments to Greece, Italy and other Member States.

On 15 June 2017, the Commission launched infringement procedures and sent letters of formal notice to the Czech Republic, Hungary and Poland. The replies provided have not been found satisfactory as **none were accompanied by an indication that these Member States would start relocating swiftly** to their territory. None of the arguments put forth — whether it be the ongoing Court case against the Council which does not have suspensive effect, showing solidarity by other means, or difficulties in carrying out security checks — justify a failure to pledge available places. This is why the Commission has decided to move to the next stage of the infringement procedure.

The Council Decisions require Member States to pledge available places for relocation every three months to ensure a swift and orderly relocation procedure. Whereas **Hungary** has not taken any action at all since the relocation scheme started, **Poland** has not relocated anyone and not pledged since December 2015. The **Czech Republic** has not relocated anyone since August 2016 and not made any new pledges for over a year.

Next steps

A **reasoned opinion** is the second step in the infringement procedure and consists of a formal request to comply with EU law, calling on the Member States to inform the Commission of the measures taken to comply within a specified period. Given that the Council Decisions on relocation were adopted in response to an emergency situation and in view of the repeated calls to the three Member States, the authorities of the Czech Republic, Hungary and Poland now have **one month to respond** to the reasoned opinion, instead of the customary two-month deadline. If no reply is received, or if the observations presented in the reply are not satisfactory, the Commission may decide to move to the next stage of the infringement procedure, and refer the case to the Court of Justice of the EU.

Background

The temporary **emergency relocation scheme** was established in two Council Decisions in September 2015, in which Member States committed to relocate persons in need of international protection from Italy and Greece.

The Commission has been reporting regularly on implementation of the two Council Decisions through its regular relocation and resettlement reports, which it has used to call for the necessary action to be taken. As reported in today's 14th report on relocation and resettlement, the pace of relocation has significantly increased in 2017 with transfers reaching more than 1,000 every month since November 2016 and June 2017 representing a new record monthly high with over 3,000 transfers. As of 26 July, the total number of relocations stands at 24,676 (16,803 from Greece; 7,873 from Italy).

With most of the Member States now pledging and relocating regularly, it is perfectly feasible to transfer all those eligible by September 2017 if the pace of relocation is maintained for Greece and further stepped up for Italy. In this final phase, it is crucial that Member States accelerate relocations and provide enough pledges to create a sufficiently large pool of places for relocating all eligible applicants, including those who are likely to arrive until 26 September. In any case, Member States' legal obligation to relocate will not cease after September: the Council Decisions on relocation apply to all persons arriving in Greece or Italy until 17 September or 26 September 2017 respectively, and eligible applicants must be relocated within a reasonable timeframe thereafter.

For More Information

[Press release](#): Migration: Record month for relocations from Italy and Greece

[Communication](#): 14th Report on Relocation and Resettlement

[Factsheet](#): Relocation and Resettlement

[Council Decision on the relocation of 40,000 people from Italy and Greece](#)

[Council Decision on the relocation of 120,000 people from Italy and Greece](#)

On the general infringements procedure, see [MEMO/12/12\(an info graph\)](#).

On the [EU infringements procedure](#)

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