



Council of the
European Union

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INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 2)
Subject:	Case brought before the Court of Justice <ul style="list-style-type: none">• Case C-512/23 Poland / Parliament and Council• Action for annulment of Regulation (EU) 2023/956 establishing a carbon border adjustment mechanism

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (28.09.2023)

1. By an application notified to the Council on 18 August 2023, the Republic of Poland has brought an action, pursuant to Article 263 TFEU, for the annulment of Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism.
2. In support of its application, the applicant puts forward a single plea submitting that the Regulation should have been adopted on the basis of Article 192(2)(a) TFEU, and not Article 192(1) TFEU, as it allegedly constitutes a measure primarily of fiscal nature.
3. As one of the defendants, the Council is required, under Article 124(1) of the Rules of Procedure of the Court of Justice, to lodge a defence within two months of the notification of the application.

4. The Director-General of the Legal Service has appointed **DELETED**, **DELETED**, **DELETED** and **DELETED**, legal advisers in the Council Legal Service, as the Council's agents in this case.

