



Order of the Vice-President of the Court in Case C-460/26 R | Poland v Council

Press release No 135/26

Luxembourg, 29 September 2026

The Vice-President of the Court of Justice dismisses Poland's application to suspend the operation of the Council's decision authorising the provisional application of the EU–Mercosur Interim Trade Agreement

Poland has not sufficiently demonstrated that implementation of the Council's decision authorising the provisional application of that agreement is liable to cause serious and irreparable damage

On 9 January 2026, the Council adopted a decision ¹ on the signing and provisional application of the Interim Agreement on Trade (the 'ITA') concluded between the European Union, of the one part, and the Mercosur countries, of the other part. ²

The European Commission's negotiations with the Mercosur countries resulted in two parallel legal instruments. The ITA, which has been applied on a provisional basis since 1 May 2026, is an interim agreement on trade between the European Union, of the one part, and the Mercosur countries, of the other part. It focuses on trade and investment liberalisation. It contains, in essence, the same obligations as those stemming from the trade part of the Partnership Agreement between the European Union and its Member States, of the one part, and the Mercosur countries, of the other part (the 'EMPA'). The ITA will cease to have effect and will be replaced by the EMPA upon the entry into force of the latter.

On 10 May 2026, Poland brought an action before the Court of Justice, pursuant to Article 263 TFEU, seeking the annulment of the Council decision ³ referred to above. At the same time, it lodged an application for interim measures seeking to suspend the operation of that decision. ⁴

Poland argues, first of all, that the circumstances in which the decision at issue was adopted justify suspending its operation until a judgment is delivered concluding the main proceedings. It relies, in particular, on an infringement of the Treaties, an abuse of powers and a failure to observe the principle of sincere cooperation in order to claim that the decision at issue is vitiated by illegality and that allowing the ITA to be applied, even on a provisional basis, could encourage the EU institutions to engage in 'further similar action' in the future. According to that Member State, the EU institutions, which are seeking to implement the ITA as quickly as possible, have thus prioritised selective economic interests to the detriment of compliance with the Treaties and the fundamental principles of the European Union.

Next, Poland submits that the liberalisation of trade in agricultural products provided for by the ITA, in the absence of 'mirror' clauses imposing an obligation to comply with equivalent production standards applicable both within the European Union and in the Mercosur countries, entails a genuine risk of harm to human and animal health and to the environment in the European Union.

Lastly, that Member State argues that the provisional application of the ITA, allowing cheaper agricultural products, grown or manufactured using chemicals prohibited in the European Union, to be placed on the EU market, will lead to a fall in the incomes of EU farmers and disruption to the functioning of the market for various agricultural products, and thus cause unfair competition detrimental to the economic and social situation of EU farmers.

By today's order, **the Vice-President of the Court dismisses Poland's application for interim measures.**

The Vice-President recalls that suspending the operation of a decision may be ordered by the judge hearing the

application for interim measures only if it is established that the suspension is urgent, in the sense that it is necessary to avoid serious and irreparable damage from occurring before the Court delivers its judgment in the main action. However, **Poland has not sufficiently demonstrated that implementation of the decision at issue authorising the provisional application of the ITA is liable to cause such damage.** The Vice-President also notes that, given their cumulative nature, it is not necessary to rule on the other conditions for the grant of interim measures relating to a prima facie case and the weighing of competing interests.

In the first place, the Vice-President points out that the possible unlawfulness of the decision at issue cannot, in itself, suffice to establish the seriousness and irreparable nature of any damage. Furthermore, Poland has not provided any concrete evidence to establish the likelihood and imminence of serious and irreparable damage.

In the second place, as regards Poland's claims concerning the potential risks to human and animal health and to the environment in the European Union posed by imports into the European Union of agricultural products from Mercosur countries, the Vice-President notes that those products – which could already be imported into the European Union prior to the adoption of the decision at issue – are subject to food safety and health regulations ⁵ similar to those applicable to products manufactured in the European Union. Furthermore, in accordance with the provisions of the ITA, the European Union may impose measures preventing agricultural products which do not comply with the sanitary, phytosanitary and environmental standards in force from entering its territory, and may adopt emergency measures in the event of serious risks to human, animal or plant life or health.

In the third place, the Vice-President finds that Poland has not provided specific information regarding the financial situation of EU farmers demonstrating that they would be unable to withstand competition from products imported from Mercosur countries and would therefore be forced to cease their activities. **Nor has Poland provided any evidence capable of establishing, with a sufficient degree of probability, that implementation of the decision at issue authorising the provisional application of the ITA will cause disruption to the EU agricultural market.** Its general and abstract claims take no account either of the powers ⁶ available to the Commission to protect the economic and social situation of EU farmers and food security, or of the fact that the situation on the agricultural market depends on many other factors, such as fluctuations in energy prices, high fertiliser costs or competition from third countries other than Mercosur countries.

NOTE: The Court will deliver final judgment on the substance of this case at a later date. An order as to interim measures is without prejudice to the outcome of the main proceedings.

NOTE: An action for annulment seeks the annulment of acts of the institutions, bodies, offices and agencies of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The [full text and, as the case may be, an abstract](#) of the order is published on the CURIA website.

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¹ Council [Decision \(EU\) 2026/183](#) of 9 January 2026 on the signing and provisional application of the Interim Agreement on Trade between the European

Union, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part (see also Council Press Release [No 17/26](#)).

² Mercosur (Common Market of the South) is a South American trade bloc. The Mercosur State Parties that are parties to the agreements concluded with the European Union are Argentina, Brazil, Paraguay and Uruguay.

³ Case *Poland v Council*, [C-460/26](#). At the same time, the European Parliament requested an opinion from the Court on the compatibility with the Treaties of the ITA and the EMPA, and of the Council's decisions with a view to the signing and conclusion of those agreements ([Opinion 1/26](#)).

⁴ The suspension of operation of the Council's decision was sought pending delivery of the judgment concluding the proceedings in Case C-460/26.

⁵ In particular, the absence of 'mirror' clauses in the ITA does not mean that products imported from Mercosur countries are not subject to EU rules on food safety, health, and the protection of plants and the environment.

⁶ Conferred by the decision at issue.