

- Impose a penalty payment on Ireland pursuant to Article 260(3) TFEU in the amount of EUR 20 358 per day, with effect from the date of the judgment of the Court and payable to the account of the Union's own resources, for failure to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure; and
- order Ireland to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing the directive expired on 3 March 2011.

⁽¹⁾ OJ L 211, p. 55

Reference for a preliminary ruling from High Court of Ireland (Ireland) made on 5 May 2014 — Kuldip Singh, Denzel Nnjume, Khaled Aly v Minister for Justice and Equality

(Case C-218/14)

(2014/C 223/10)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicants: Kuldip Singh, Denzel Nnjume, Khaled Aly

Defendant: Minister for Justice and Equality

Interested party: The Immigrant Council of Ireland

Questions referred

1. Where marriage involving EU and non-EU citizens ends in divorce obtained following departure of the EU citizen from a host Member State where EU rights were exercised by the EU citizen, and where Articles 7 and 13(2)(a) of Council Directive 2004/38/EC (sup¹) apply, does the non-EU citizen retain a right of residence in the host Member State thereafter? If the answer is 'no', does the non-EU citizen have a right of residence in the host Member State during the period before divorce following departure of the EU citizen from the host Member State?
2. Are the requirements of Article 7(1)(b) of Directive 2004/38/EC met where an EU citizen spouse claims to have sufficient resources within the meaning of Article 8(4) of the Directive partly on the basis of the resources of the non-EU citizen spouse?
3. If the answer to the second question is 'no', do persons such as the applicants have rights under EU law (apart from the Directive) to work in the host Member State in order to provide or contribute to 'sufficient resources' for the purposes of Article 7 of the Directive?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC OJ L 158, p. 77