



C/2024/3162

21.5.2024

Action brought on 15 March 2024 – European Commission v Ireland

(Case C-205/24)

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Language of the case: English

Parties

Applicant: European Commission (represented by: N. Ruiz García and B. Cullen, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that Ireland has failed to fulfil its obligations under Articles 30(1) and 30(4) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species ⁽¹⁾, by failing to lay down the provisions on penalties applicable to infringements of Regulation (EU) No 1143/2014 and failing to communicate such provisions to the Commission by 2 January 2016; and
- order Ireland to pay the costs of the present proceeding.

Pleas in law and main arguments

Regulation 1143/2014 entered into force on 1 January 2015. In accordance with Article 30 of the Regulation, Ireland was to lay down the rules on penalties applicable to infringements of the Regulation (30(1)) and to notify those rules to the Commission by 2 January 2016 (30(4)).

Given that no measures concerning implementation of Articles 30(1) and (4) of the Regulation had been communicated by Ireland to the Commission, the Commission asked the Irish authorities to inform its services about the fulfilment of these duties. Ireland's replies of 20 April 2017, 22 December 2017, and 21 September 2018 made clear that the process to implement the duties stemming from the Regulation was incomplete.

Consequently, on 25 January 2019, the Commission issued a letter of formal notice to Ireland, inviting Ireland's observations within two months of receipt. Ireland's reply made clear that Ireland had still not complied with its obligations under Articles 30(1) and 30(4).

Based on Ireland's reply and given the lack of progress in the ensuing period, the Commission concluded that Ireland had still not yet complied with Articles 30(1) and 30(4) of the Regulation. On 28 November 2019, it therefore issued a reasoned opinion under Article 258(1) TFEU, inviting Ireland to take the necessary measures to comply within two months of receipt. It is clear from Ireland's reply that as of the end of the period laid down in the reasoned opinion, Ireland failed (and continues to fail) to comply with its obligations under Articles 30(1) and 30(4) of the Regulation.

⁽¹⁾ OJ 2014, L 317, p. 35.