



C/2024/3309

3.6.2024

**Reference for a preliminary ruling from High Court (Ireland) made on 6 February 2024 – S.A., R.J. v
The Minister for Children, Equality, Disability, Integration and Youth, Ireland, The Attorney General**

(Case C-97/24, The Minister for Children, Equality, Disability, Integration and Youth)

(C/2024/3309)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Applicants: S.A. and R.J.

Defendants: The Minister for Children, Equality, Disability, Integration and Youth, Ireland and the Attorney General

Questions referred

1. Where “force majeure” is not found as a defence in a Directive or implementing Regulations in issue, is such a defence nonetheless available as a defence to a *Francovich* ⁽¹⁾ damages claim for a breach of an EU law obligation that confers rights on individuals which derive from the fundamental right to human dignity contained in Article 1 of the Charter (whether as a defence within the second limb of the *Brasserie du Pêcheur*/*Factortame* ⁽²⁾ test or otherwise)?
2. If the answer to question (1) is “yes”, what are the parameters and proper scope of that force majeure defence?

⁽¹⁾ ECLI:EU:C:1991:428.

⁽²⁾ ECLI:EU:C:1996:79.