



Reports of Cases

Judgment of the Court (Eighth Chamber) of 24 March 2022 – Commission v Ireland (Transposition of Framework Decision 2008/909)

(Case C-125/21)¹

(Action for failure to fulfil obligations – Judicial cooperation in criminal matters – Mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union – Framework Decision 2008/909/JHA – Failure to adopt the measures necessary to comply with the framework decision – Failure to notify to the European Commission)

1. *Action for failure to fulfil obligations – Examination of the merits by the Court – Situation to be taken into consideration – Situation prevailing at the end of the period laid down in the reasoned opinion*

(Art. 258 TFEU)

(see para. 17)

2. *Action for failure to fulfil obligations – Failure to comply with obligations under a framework decision – Obligation to notify transposition measures – Scope*

(Art. 258 TFEU)

(see para. 20)

3. *Acts of the institutions – Framework decisions – Implementation by Member States – Framework decision intended to create rights for individuals – Requirements of clarity and legal certainty – National provisions which do not contain any reference to that framework decision and do not address many of the technicalities of that framework decision – Not permissible*

(Council Framework Decision 2008/909)

(see paras 21, 22)

¹ OJ C 148, 26.4.2021.

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union and by failing to notify the text of such provisions to the European Commission, Ireland has failed to fulfil its obligations under Article 29(1) and (2) of that framework decision;
2. Orders Ireland to pay the costs.