

3. Infringement of the rules on evidence, on account of the lack of evidence for the purposes of applying the presumption and the refusal to apply Articles 27(3) and 28(3) of Decision 2013/255 amended by Decision 2015/18364.
4. Error of assessment, as confirmed by the Council's measures by which it removed the appellant's name from the sanctions lists.

⁽¹⁾ OJ 2019 L 18 I, p. 4.

⁽²⁾ OJ 2012 L 16, p. 1.

⁽³⁾ OJ 2019 L 132, p. 1.

Action brought on 26 February 2021 — European Commission v Ireland

(Case C-125/21)

(2021/C 148/14)

Language of the case: English

Parties

Applicant: European Commission (represented by: J. Tomkin, and S. Grünheid, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that by failing to adopt 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 ⁽¹⁾ or, in any event, by failing to notify such provisions to the Commission, Ireland has failed to fulfil its obligations under Article 29(1) and (2) of that Framework Decision;
- order Ireland to pay the costs.

Pleas in law and main arguments

According to Articles 29(1) and (2) of Framework Decision 2008/909/JHA, Member States were to take the measures necessary to comply with the provisions of this Framework Decision by 5 December 2011 and to notify such measures to the Commission.

The Commission considers that Ireland has infringed its obligations under Article 29(1) and (2) of the Council Framework Decision 2008/909/JHA, by failing to adopt the laws, regulations and administrative provisions necessary to comply with the Framework Decision or, in any event, by failing to notify such provisions to the Commission.

⁽¹⁾ OJ 2008, L 327, p. 27.

Action brought on 26 February 2021 — European Commission v Ireland

(Case C-126/21)

(2021/C 148/15)

Language of the case: English

Parties

Applicant: European Commission (represented by: J. Tomkin, and S. Grünheid, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention⁽¹⁾ or, in any event, by failing to notify such provisions to the Commission, Ireland has failed to fulfil its obligations under Article 27 of that Framework Decision;
- order Ireland to pay the costs.

Pleas in law and main arguments

According to Article 27 of Framework Decision 2009/829/JHA, Member States were to take the necessary measures to comply with the provisions of the Framework Decision by 1 December 2012 and to notify the Commission of such measures.

The Commission considers that Ireland has infringed its obligations under Article 27 of the Council Framework Decision 2009/829/JHA, by failing to adopt the laws, regulations and administrative provisions necessary to comply with the Framework Decision or, in any event, by failing to notify such provisions to the Commission.

⁽¹⁾ OJ 2009, L 294, p. 20.

Action brought on 4 March 2021 — European Parliament v European Commission**(Case C-137/21)**

(2021/C 148/16)

*Language of the case: English***Parties**

Applicant: European Parliament (represented by: P. López-Carceller, J. Rodrigues, S. Alonso de León, Agents)

Defendant: European Commission

The applicant claims that the Court should:

- establish that by not adopting the delegated act pursuant to Article 7(f) of Regulation 2018/1806⁽¹⁾, the Commission infringed the Treaty;
- order European Commission to pay the costs.

Pleas in law and main arguments

In support of its action, the applicant relies on a single plea in law, namely the infringement of the Treaties.

According to the Parliament, the Commission was under the obligation to adopt a delegated act, pursuant to Article 7(f) of Regulation 2018/1806.1 By resolution of 22 October 2020, the Parliament called on the Commission to adopt the act in question. Since the Commission did not adopt the delegated act by 22 December 2020, the Parliament has decided to bring an action for failure to act under Article 265 TFEU.

⁽¹⁾ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ 2018, L 303, p. 39).