



Reports of Cases

Judgment of the Court (Fourth Chamber) of 19 December 2012 — *Commission v Ireland*

(Case C-279/11)

(Failure of a Member State to fulfil obligations — Directive 85/337/EEC — Assessment of the effects of certain public and private projects on the environment — Incorrect transposition — Annexe II — Point 1(a) to (c) — Judgment of the Court of Justice — Finding of infringement — Article 260 TFEU — Pecuniary penalties — Lump sum payment — Member State's ability to pay — Economic crisis — Assessment on the basis of current economic data)

1. *Actions for failure to fulfil obligations — Judgment of the Court establishing the failure of a Member State to fulfil its obligations — Period for implementation — Reference date for assessing whether there has been a failure to fulfil obligations (Art. 228(2) EC; Art. 260(2) TFEU) (see paras 18, 19)*
2. *Actions for failure to fulfil obligations — Judgment of the Court establishing the failure of a Member State to fulfil its obligations — Breach of the obligation to comply with the judgment — Pecuniary penalties — Imposition of a lump sum payment — Discretion of the Court — Criteria for assessment (Art. 260 TFEU) (see paras 65-67, 70, 72)*
3. *Member States — Obligations — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 260 TFEU) (see para. 71)*
4. *Actions for failure to fulfil obligations — Judgment of the Court establishing the failure of a Member State to fulfil its obligations — Breach of the obligation to comply with the judgment — Pecuniary penalties — Lump sum payment — Calculation of the amount — Criteria — Impact of the Commission Guidelines (Art. 260 TFEU) (see paras 76-78)*

Re:

Failure of a Member State to fulfil obligations — Failure to comply with the judgment of the Court of 20 November 2008 in Case C-66/06 *Commission v Ireland* concerning the infringement of Article 2(1) and Article 4(2) to (4) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40), as amended by Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5) — Application for the imposition of a penalty payment and a lump sum.

Operative part:

The Court:

1. Declares that, by failing to take the measures necessary to comply with the judgment of 20 November 2008 in Case C-66/06 *Commission v Ireland*, Ireland has failed to fulfil its obligations under Article 260 TFEU;
2. Orders Ireland to pay to the Commission, into the account 'European Union own resources', a lump sum of EUR 1 500 000;
3. Orders Ireland to pay the costs.