

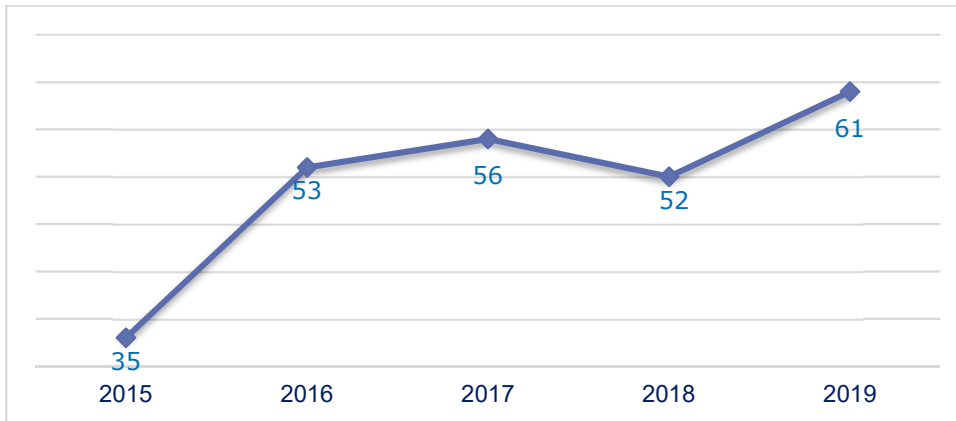
IRELAND

Monitoring the Application of EUROPEAN UNION LAW

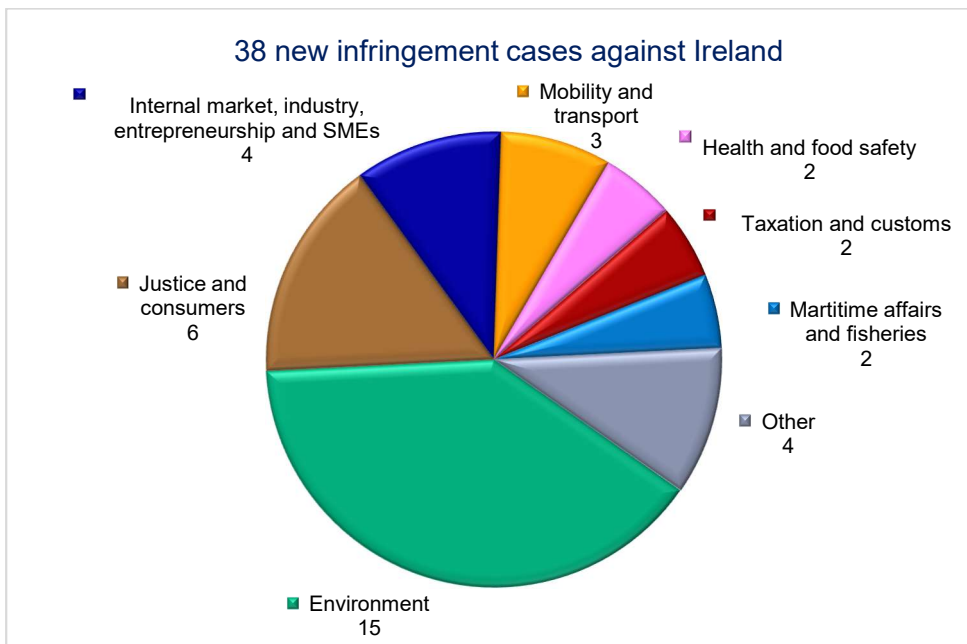
2019 Annual Report

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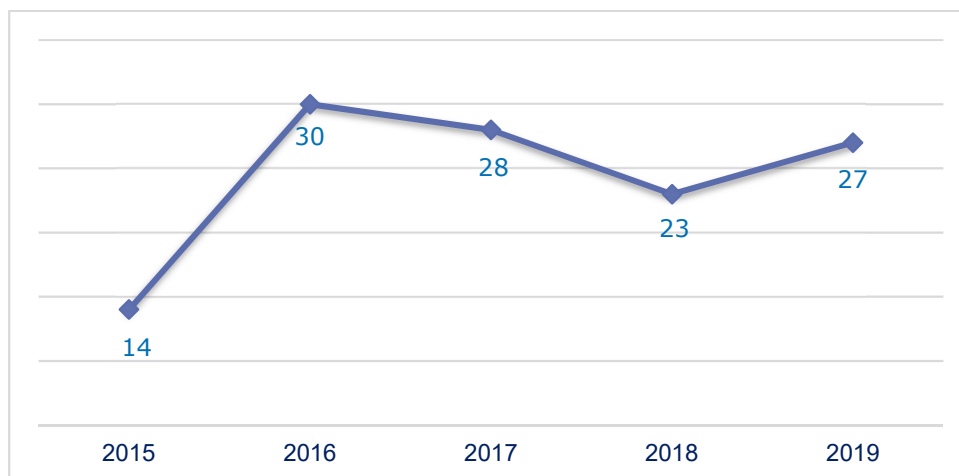
Infringement cases against Ireland open on 31 December (2015-2019)



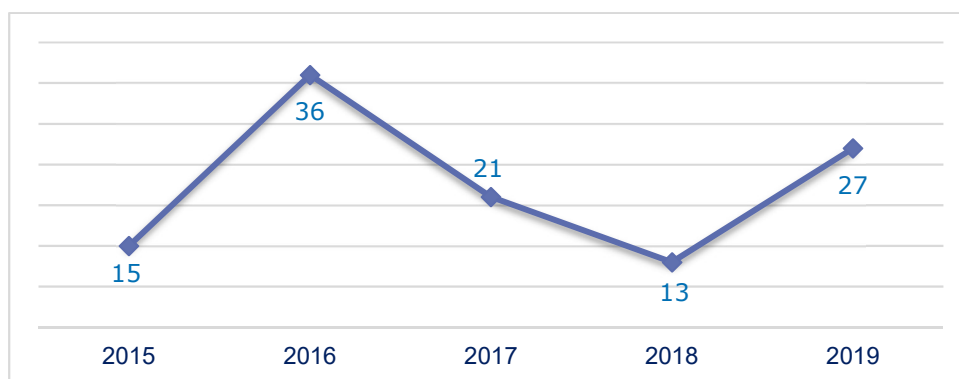
New infringement cases opened in 2019: main policy areas



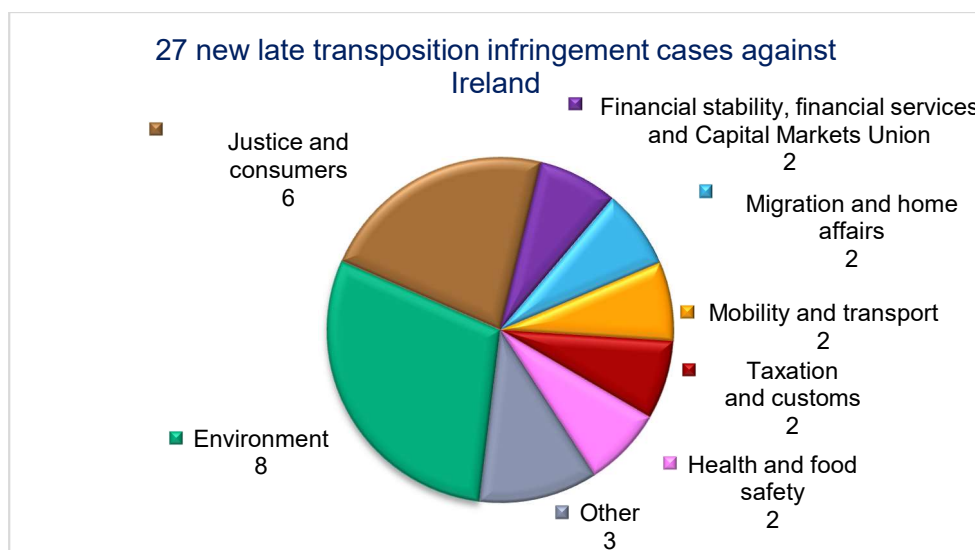
Late transposition infringement cases against Ireland open on 31 December (2015-2019)



New late transposition infringement cases against Ireland (2015-2019)



New late transposition infringement cases opened in 2019: main policy areas



IMPORTANT JUDGMENTS

Court rulings¹

The Court ruled that:

- Ireland has failed to comply with an earlier Court judgment², which required that a remedial environmental impact assessment be carried out for a large windfarm development in Derrybrien. The Court ordered Ireland to pay a lump sum of EUR 5 000 000 and a periodic penalty payment of EUR 15 000 for every day of delay until compliance is achieved³.
- Ireland has not complied with the requirements of the Urban Waste Water Treatment Directive in multiple agglomerations as it had failed to put in place compliant waste water collecting systems to tackle excessive spills from storm water overflows and failed to provide adequate treatment of urban waste waters⁴.

Preliminary rulings

The Court addressed the following preliminary rulings to the Irish judiciary:

- Although a third-country national who is married to a Union citizen may lose a right of residence in a Member State following the departure of the Union citizen from the host Member State, the procedural safeguards laid down in the Free Movement Directive apply to the expulsion of that third-country national from the host Member State⁵.
- An EU citizen who acquired in another Member State the status of worker for the activity he pursued there for a period of 2 weeks before becoming involuntarily unemployed retains this status for a further period of no less than 6 months. The citizen must register as a jobseeker with the relevant employment office. Any entitlement under national law to social security benefits or social assistance may be conditional upon a specified period of employment if the same condition is applicable to nationals of the Member State concerned⁶.
- The public prosecutor's offices of a Member State, such as those of Germany, which may be subject, directly or indirectly, to directions or instructions from the executive, such as a Minister for Justice, in the issuing a European arrest warrant cannot be regarded as an 'issuing judicial authority'⁷.
- The Prosecutor General of a Member State, such as that of Lithuania, whose legal position affords him a guarantee of independence from the executive when issuing a European arrest warrant is an 'issuing judicial authority'. When the competent issuing judicial authority under national law is not itself a court, the decision to issue such a European arrest warrant must be subject to court proceedings, which meet the requirements of effective judicial protection⁸.
- The fact that a Member State, designated as responsible for the examination of an application for international protection pursuant to the rules set out in the Dublin Regulation, has notified its intention to withdraw from the European Union in accordance with Article 50 TEU does not oblige the Member State with which the application was lodged to itself examine the application⁹.
- It is not necessary for a person to pursue an activity as an employed person in a Member State in order to be entitled to family benefits if his or her children are living in another Member State¹⁰.

¹ These rulings are almost exclusively handed down in infringement procedures.

² *Commission v Ireland*, [C-215/06](#).

³ *Commission v Ireland*, [C-261/18](#) and Court press release No [142/2019](#).

⁴ *Commission v Ireland*, [C-427/17](#), Directive [91/271/EEC](#)

⁵ *Nalini Chenchooliah v Minister for Justice and Equality*, [C-94/18](#), Directive [2004/38/EC](#).

⁶ *Neculai Tarola v Minister for Social Protection*, [C-483/17](#).

⁷ *OG and PI*, [C-508/18](#) and [C-82/19](#).

⁸ *PF*, [C-509/19](#).

⁹ *M.A. and Others*, Case [C-661/17](#).

¹⁰ *Bogatu*, [C-322/17](#).