



**C-459/03 Commission v Ireland, judgment of 30.5.2006**

**Exclusive jurisdiction of the Court – Dispute-settlement system provided for under the United Nations Convention on the Law of the Sea – Undertaking not to submit a dispute relating to the interpretation or application of the Treaty to a method of settlement other than those provided for by the Treaty – Article 292 of the Treaty (initial application)**

In this case the Commission was relying for the first time on Articles 292 EC and 192 EAEC, which require the Member States to undertake not to submit a dispute concerning the interpretation or application of the Treaty to any method of settlement other than those provided for therein.

Ireland had commenced proceedings against the United Kingdom in the Arbitral Tribunal provided for by the United Nations Convention on the Law of the Sea ("the Convention") to settle a dispute relating to the MOX nuclear fuels reprocessing plant at Sellafield on the coast of the Irish Sea.

The Court (Grand Chamber) ruled in the Commission's favour by holding that Ireland had disregarded its exclusive jurisdiction. It had already ruled that mixed agreements have the same status in the Community legal order as purely Community agreements, as these are provisions coming within the scope of Community competence.

Ireland's breach of Article 292 also lay in its failure to respect the exclusive jurisdiction of the Court to resolve disputes concerning the interpretation and application of provisions of Community law, especially as Community law provides for procedures such as the Article 227 procedure for the purpose of obtaining a declaration that another Member State has breached those provisions.

Lastly, the Court held that Ireland had breached Article 10 of the Treaty by bringing proceedings in the Arbitral Tribunal without having first informed and consulted the competent Community institutions.