Reports of Cases

JUDGMENT OF THE COURT (Fourth Chamber)

19 November 2026 *

(Reference for a preliminary ruling – Environment – Directive 92/43/EEC – Article 6(3) – Conservation of natural habitats and of wild fauna and flora – Appropriate assessment of the implications of a plan that is likely to have an effect on a protected site in view of the site's conservation objectives – Concept of 'plan')

In Case C-332/25,

REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (Ireland), made by decision of 7 April 2025, received at the Court on 14 May 2025, in the proceedings

Friends of the Irish Environment CLG

v

Government of Ireland,

Minister for Agriculture, Food and the Marine,

Ireland,

Attorney General,

THE COURT (Fourth Chamber),

composed of I. Jarukaitis, President of the Chamber, R. Frendo, N. Jääskinen, M. Condinanzi and A. Kornezov (Rapporteur), Judges,

Advocate General: J. Kokott,

Registrar: C. Strömholm, Administrator,

having regard to the written procedure and further to the hearing on 4 March 2026,

after considering the observations submitted on behalf of:

– Friends of the Irish Environment CLG, by J. Devlin, Senior Counsel, J. Kenny, Barrister-at-Law, and F. Logue, Solicitor,

* Language of the case: English.

– Ireland, by M. Browne, Chief State Solicitor, A. Burke, A. Joyce and J. McCann, acting as Agents, and by M. Gray, Senior Counsel, S. Keniry, Barrister-at-Law, and E. Synnott, Barrister-at-Law,

– the European Commission, by B. Cullen and N. Ruiz García, acting as Agents,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7; 'the Habitats Directive').

2 The request has been made in proceedings between Friends of the Irish Environment CLG ('FIE'), a non-governmental organisation active in the field of the environment, on the one hand, and the Government of Ireland, the Minister for Agriculture, Food and the Marine (Ireland), Ireland and the Attorney General (Ireland), on the other, concerning the legality of a governmental agri-food strategy.

Legal context

European Union law

The Habitats Directive

3 Article 2 of the Habitats Directive provides, in paragraph 2 thereof:

'Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.'

4 Article 6 of that directive provides, in paragraphs 3 and 4 thereof:

'3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall

take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the [European] Commission of the compensatory measures adopted.

…'

Irish law

5 Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 is worded as follows:

'…

"plan", subject to the exclusion, except where the contrary intention appears, of any plan that is a land use plan within the meaning of the Planning Acts 2000 to 2011, includes—

(a) any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development in one or more specified locations or regions, including any development of land or on land, the extraction or exploitation of mineral resources or of renewable energy resources and the carrying out of land use activities, that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority, or

(b) a proposal to amend or extend a plan or scheme referred to in subparagraph (a);

…

"project", subject to the exclusion, except where the contrary intention appears, of any project that is a development requiring development consent within the meaning of the Planning and Development Acts 2000 to 2011, includes—
(a) land use or infrastructural developments, including any development of land or on land,
(b) the extraction or exploitation of mineral resources, prospecting for mineral resources, turf cutting, or the exploitation of renewable energy resources, and
(c) any other land use activities,

that are to be considered for adoption, execution, authorisation or approval, including the revision, review, renewal or extension of the expiry date of previous approvals, by a public authority …

…'

The dispute in the main proceedings and the questions referred for a preliminary ruling

6 On 21 July 2021, the Government of Ireland took a decision approving the publication of a national agri-food strategy entitled 'Food Vision 2030' ('FV2030'), which had been drawn up and adopted by a stakeholder committee representative of various interests in the agri-food sector following a public consultation process. FV2030 is part of a series of 10-year strategies, each of which has been reviewed and replaced midway through its anticipated lifespan.

7 FV2030 sets out the strategy which the Government of Ireland proposes to follow in agri-food matters and covers the areas of primary agriculture, fishery and aquaculture, forestry, food and drink processing and manufacturing, and the equine sector. That strategy is structured around four missions, namely environmental sustainability, primary producers, food and competitiveness. For each of those missions, it defines goals to be pursued, which are themselves broken down into actions designed to ensure that those goals are achieved.

8 Prior to the adoption of that strategy, it was considered, in a preliminary report regarding the need to carry out an assessment of the effects on the environment, that FV2030 could have significant impacts on sites protected under the Habitats Directive ('protected sites'). That report, which covered the whole of Ireland, identified in a general manner the impact pathways of various agricultural practices and their potential effects on the habitat types and species for which the protected sites in Ireland have been designated, without precisely identifying impacts on specific sites. The Minister for Agriculture, Food and the Marine then decided, on a precautionary basis, to carry out a full appropriate assessment, following which it was nevertheless concluded that FV2030 would not adversely affect the integrity of protected sites.

9 FIE brought proceedings before the High Court (Ireland) seeking to have FV2030 quashed. That organisation maintained, inter alia, that FV2030 constitutes a plan or project within the meaning of Article 6(3) of the Habitats Directive, and that the requirements arising from that provision therefore apply to FV2030. It argued that the assessment carried out failed to comply with those requirements in that it did not adequately identify, quantify or assess the likely impacts of that strategic policy on protected sites, such that, according to FIE, the Minister for Agriculture, Food and the Marine could not conclude that there would be no adverse effect on those sites.

10 In reply, the respondents in the main proceedings contended that the requirement to carry out an appropriate assessment, as laid down in Article 6(3) of the Habitats Directive, does not apply to a high-level strategic policy such as FV2030, since such a policy cannot be classified as a 'plan' or 'project' within the meaning of that provision.

11 Furthermore, according to the respondents in the main proceedings, even if such an assessment were required, the nature of FV2030 as a nationwide, high-level strategic policy would not make it possible to conduct individualised site-by-site analyses of its potential environmental impacts. They maintained that, in those circumstances, the assessment which was carried out in the present case on a precautionary basis should, in any event, be regarded as 'appropriate' and as meeting the requirements of Article 6(3) of that directive.

12 By decision of 19 October 2023, the High Court dismissed the proceedings brought by FIE on the grounds that FV2030, as a nationwide strategic policy, did not relate to any specific site. Accordingly, it was not possible to identify precisely the impacts of FV2030 on a given protected site, with the result that no appropriate assessment could be carried out by reference to the conservation objectives of such a site. In the absence of impacts on any specifically identifiable site capable of being addressed by reference to FV2030, an appropriate assessment, according to that court, was neither practicable nor even possible.

13 FIE has brought an appeal against that decision before the referring court, the Court of Appeal (Ireland). The referring court notes that there are no legislative, administrative or regulatory provisions in Ireland specifically applicable to the adoption of a strategic policy such as FV2030. That policy was prepared and adopted by a stakeholder committee with no legal personality or any other formal legal status, before being approved and published by the Government of Ireland.

14 The referring court further observes that FIE has not identified any specific action which, taken in isolation, would be likely to have a particular impact on the environment or on any specific protected site. That said, it is, according to that court, generally accepted that agricultural activity is capable of having adverse impacts on the environment, inter alia due to greenhouse gas emissions, water pollution and the effects of overgrazing on biodiversity. Thus, in its view, the legality of FV2030 is, in essence, being challenged on the ground that it aims to maintain grass-fed livestock production at the core of Ireland's agri-food strategy.

15 In those circumstances, the Court of Appeal decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'(1) Is a high-level strategic policy such as FV2030 capable of constituting or being deemed a "plan or project" within the meaning of Article 6(3) of the Habitats Directive?

In this regard the key characteristics of the policy are that it was adopted on a voluntary basis by a stakeholder committee; it is formally supported by a decision of the Government; it does not authorise or limit any activity; it does not have any mandatory or binding effects on downstream decision makers but may have some influence in that it may be considered by such decision makers; it does not set criteria by reference to which development consent decisions will be made; it does not set criteria by reference to which other plans or programmes will be adopted.

(2) If the answer to question 1 is "Yes", can a policy such as FV2030 constitute a plan or programme within the meaning of Article 6(3) of the Habitats Directive if it does not contain measures of adequate specificity to allow them to be quantified and assessed and it is not possible to identify any specific Natura 2000 site or sites which might be affected by its implementation so as to enable an assessment to be carried out by reference to the site(s) conservation measures?

(3) If the answer to question 2 is "Yes", is it sufficient for an appropriate assessment of such policy to identify generally the environmental risks posed by activities coming within the sector covered by the policy and the effects those activities might have generally on protected habitat types and species in Natura 2000 sites in Ireland without identifying specific risks that might impact upon individually identified sites?'

Consideration of the questions referred

The first and second questions

16 By its first and second questions, which it is appropriate to examine together, the referring court asks, in essence, whether Article 6(3) of the Habitats Directive is to be interpreted as meaning that the concepts of 'plan' or 'project', within the meaning of that provision, cover a document which sets out a strategic agri-food policy, which has been adopted on a voluntary basis by a stakeholder committee and then published by the government of a Member State, which has no binding legal effects and neither authorises nor limits any activity, which does not set a sufficiently precise framework on the basis of which subsequent decisions may be adopted, and which also does not make it possible to identify precisely the implications of its implementation for the protected sites that might be affected by its implementation.

17 According to the first sentence of Article 6(3) of the Habitats Directive, any plan or project not directly connected with or necessary to the management of a site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, is to be subject to appropriate assessment of its implications for the site in view of that site's conservation objectives. The second sentence of Article 6(3) of that directive provides that, in the light of the conclusions of the assessment of the implications of a plan or project for the site concerned and subject to the provisions of paragraph 4 of that article, the competent national authorities are to agree to the plan or project only after having ascertained that it will not adversely affect the integrity of that site and, if appropriate, after having obtained the opinion of the general public.

18 As is apparent from the order for reference, the referring court is uncertain in particular as to whether a strategic policy document on agri-food matters, such as FV2030, is capable of coming under the concept of 'plan', within the meaning of that provision.

19 Given that neither Article 6(3) of the Habitats Directive nor any other provision of that directive defines the term 'plan' and that directive does not contain any reference to the law of the Member States as regards such a definition, that term amounts to an autonomous concept of EU law. Thus, it must be interpreted in accordance with its usual meaning in everyday language, while also taking into consideration the context in which it is used and the objectives pursued by the rules of which it is part (judgment of 11 September 2025, *Österreichische Zahnärztekammer*, C-115/24, EU:C:2025:694, paragraph 62 and the case-law cited).

20 As regards a literal interpretation, the usual meaning of the term 'plan' refers, inter alia, to a set of coordinated guidelines, measures or actions aimed at achieving a specific objective.

21 It must also be observed that the use, in most language versions of Article 6(3) of the Habitats Directive, of the determiner 'any', preceding the term 'plan', implies that the EU legislature intended a broad definition to be given to the concept of 'plan', with the result that that provision covers all plans not directly connected with or necessary to the management of a protected site and likely to have an effect on such a site, without there being any need to restrict the scope of that provision to certain formal categories of measures (see, by analogy, judgment of 9 July 2026, *Štátny fond rozvoja bývania*, C-188/25, EU:C:2026:555, paragraph 33).

22 That said, the broad definition of the concept of 'plan' does not, however, mean that any document connected with the environment automatically falls within the scope of Article 6(3) of the Habitats Directive.

23 As is apparent from the case-law referred to in paragraph 19 of the present judgment, the concept of 'plan' must also be situated within the legislative context of Article 6(3) of the Habitats Directive, which concerns the requirement to carry out an appropriate assessment of the environmental implications of such a plan. In that regard, the Court has held that that provision makes that requirement conditional on there being a probability or a risk that the plan will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that that plan will have a significant effect on the site concerned (judgment of 20 October 2005, *Commission* v *United Kingdom*, C-6/04, EU:C:2005:626, paragraph 54 and the case-law cited). That assessment thus involves identifying, assessing and taking into consideration all the implications of such a plan for that site (see, to that effect, judgment of 10 November 2022, *AquaPri*, C-278/21, EU:C:2022:864, paragraph 49).

24 In that context, the Court has held, in essence, that 'plans', within the meaning of Article 6(3) of the Habitats Directive, must go beyond the stage of mere preliminary administrative reflection and carry a degree of precision in the planning in question which calls for an appropriate assessment of their implications (see, to that effect, judgment of 4 October 2007, *Commission* v *Italy*, C-179/06, EU:C:2007:578, paragraph 41). Accordingly, the assessment required under that provision should, in principle, be carried out as soon as all the effects which the plan in question is likely to have on a protected site are sufficiently identifiable (see, to that effect, judgment of 29 July 2019, *Inter-Environnement Wallonie and Bond Beter Leefmilieu Vlaanderen*, C-411/17, EU:C:2019:622, paragraph 143).

25 It follows that documents of purely indicative value cannot, as a general rule, be classified as a 'plan' for the purposes of Article 6(3) of the Habitats Directive (see, by analogy, judgment of 9 March 2023, *An Bord Pleanála and Others (Site of St Teresa's Gardens)*, C-9/22, EU:C:2023:176, paragraphs 49 and 50).

26 Furthermore, the Court has held that, where national law requires applications for planning permission to be determined in the light of the relevant land use plans, such law necessarily means that those plans may have considerable influence on development decisions and, therefore, on the sites concerned, with the result that they must be subject to assessment under Article 6(3) of the Habitats Directive (see, to that effect, judgment of 20 October 2005, *Commission* v *United Kingdom*, C-6/04, EU:C:2005:626, paragraphs 55 and 56). It follows that a measure which, under national law, must be taken into account when adopting subsequent decisions in the matter, such that it may have considerable influence on those decisions, is to be regarded as a 'plan' within the meaning of that provision.

27 Accordingly, the assessment of whether a 'plan' within the meaning of Article 6(3) of the Habitats Directive exists must be carried out on a case-by-case basis, taking into account, inter alia, the legal force of the document in question, its degree of precision and the extent to which it may have an influence on subsequent decisions adopted in the matter and, therefore, on the conservation of the sites concerned.

28 That interpretation is consistent with the requirements that, first, there be no lacunae in the appropriate assessment to be carried out in respect of the implications of a plan for the site concerned (see, to that effect, judgment of 16 July 2026, *Knocknamona and Massey*, C-27/25 and C-356/25, EU:C:2026:596, paragraph 55) and, second, the findings, assessments and conclusions which it contains are complete, precise and definitive, and are capable of removing all reasonable scientific doubt as to the effects of that plan on the site concerned (see, to that effect, judgment of 10 November 2022, *AquaPri*, C-278/21, EU:C:2022:864, paragraph 51 and the case-law cited). A document which is non-binding, is general and imprecise in nature and is not capable of having considerable influence on the conservation of the site or sites concerned cannot be the subject of an assessment meeting those requirements.

29 In the present case, it is apparent from the order for reference, in the first place, that no national legislative, administrative or regulatory provision provides for the adoption of strategic policy documents such as FV2030, which is not legally binding.

30 In the second place, the referring court states that FV2030 outlines a strategic 'vision' for the agri-food sector. It sets long-term goals and lays out policy guidelines intended to steer the future development of that sector. However, according to that court, FV2030 does not authorise or limit

any activity, and does not establish conditions or criteria by reference to which subsequent decisions would be adopted, nor does it set conditions or criteria governing the adoption of other plans or projects.

31 In the third place, the referring court observes that the content of FV2030 does not make it possible to identify the specific actions that might affect a particular protected site.

32 Thus, it appears that, in view of those characteristics of FV2030, any assessment of its environmental implications could only be general and abstract in nature, and it would not be possible to identify with the requisite precision the implications of its implementation for one or more protected sites.

33 Furthermore, while it is admittedly conceivable that that document might be taken into consideration by public authorities when they determine their actions, the fact remains that it does not appear to fulfil the criteria set out in paragraph 27 of the present judgment.

34 In those circumstances, it must be held that the mere fact, noted by the referring court, that the strategy for the development of the agri-food sector promoted by FV2030 is based on 'grass-fed livestock production' – which, when considered overall as an activity that can be carried out on a national scale, may have implications for the environment – is not sufficient for such a strategy to be classified as a 'plan'.

35 It must be added that a national strategy such as FV2030 also cannot be classified as a 'project' within the meaning of Article 6(3) of that directive. Although the concept of 'project', within the meaning of that provision, does not necessarily imply the execution of construction works, interventions involving alterations to the physical aspect of a site or interventions in the natural surroundings (see, to that effect, judgment of 7 November 2018, *Coöperatie Mobilisation for the Environment and Others*, C-293/17 and C-294/17, EU:C:2018:882, paragraph 63), that concept cannot in any event refer to a general document devoid of any legal force, such as FV2030.

36 That being so, it will be for the competent national authorities to ensure that any plans or projects which are more specific and which may be adopted at a later stage in the context of the implementation of FV2030 are subject to an appropriate assessment of their implications for the protected sites as soon as they satisfy the requisite conditions and, in particular, as soon as all the effects which they are likely to have on a protected site are sufficiently identifiable.

37 In the light of all the foregoing considerations, the answer to the first and second questions is that Article 6(3) of the Habitats Directive must be interpreted as meaning that neither the concept of 'plan' nor the concept of 'project', within the meaning of that provision, covers a document which sets out a strategic agri-food policy, which has been adopted on a voluntary basis by a stakeholder committee and then published by the government of a Member State, which has no binding legal effects and neither authorises nor limits any activity, which does not set a sufficiently precise framework on the basis of which subsequent decisions may be adopted, and which also does not make it possible to identify precisely the implications of its implementation for the protected sites that might be affected by its implementation.

The third question

38 In view of the answer given to the first and second questions, there is no need to answer the third question.

Costs

39 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Fourth Chamber) hereby rules:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

must be interpreted as meaning that neither the concept of 'plan' nor the concept of ' project', within the meaning of that provision, covers a document which sets out a strategic agri-food policy, which has been adopted on a voluntary basis by a stakeholder committee and then published by the government of a Member State, which has no binding legal effects and neither authorises nor limits any activity, which does not set a sufficiently precise framework on the basis of which subsequent decisions may be adopted, and which also does not make it possible to identify precisely the implications of its implementation for the protected sites that might be affected by its implementation.

Jarukaitis Frendo Jääskinen

Condinanzi Kornezov

Delivered in open court in Luxembourg on 19 November 2026.

V. Di Bucci
Registrar

I. Jarukaitis
President of the Chamber