Reports of Cases

JUDGMENT OF THE COURT (Third Chamber)

1 August 2025 *

[Text rectified by order of 27 October 2025]

(Reference for a preliminary ruling – Liability of a Member State in the event of infringement of EU law – Sufficiently serious infringement – Asylum policy – Directive 2013/33/EU – Standards for the reception of applicants for international protection – Significant influx of applicants for temporary or international protection – No access to material reception conditions – Basic needs – Temporary exhaustion of housing capacity)

In Case C-97/24,

REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 1 February 2024, received at the Court on 6 February 2024, in the proceedings

S.A.,

R.J.

v

Minister for Children, Equality, Disability, Integration and Youth,

Ireland,

Attorney General,

Notice Party:

United Nations High Commissioner for Refugees,

THE COURT (Third Chamber),

composed of C. Lycourgos (Rapporteur), President of the Chamber, K. Lenaerts, President of the Court, acting as Judge of the Third Chamber, S. Rodin, O. Spineanu-Matei and N. Fenger, Judges,

Advocate General: L. Medina,

Registrar: R. Stefanova-Kamisheva, Administrator,

* Language of the case: English.

having regard to the written procedure and further to the hearing on 6 February 2025,

after considering the observations submitted on behalf of:

– S.A., by C. O'Dwyer, Senior Counsel, C. Smith, Barrister-at-Law, and K. Mannion, Solicitor,

– [As rectified by order of 27 October 2025] R.J., by P. Brazil, Senior Counsel, L. Frawley and G. Tierney, Barristers-at-Law, and J. Watters, Solicitor,

– the Minister for Children, Equality, Disability, Integration and Youth, Ireland, and the Attorney General, by M. Browne, Chief State Solicitor, A. Joyce and J. Lynch, acting as Agents, and by D. Conlan Smyth, Senior Counsel, J. Doherty, Senior Counsel, and J.P. Gallagher and A. McMahon, Barristers-at-Law,

– the United Nations High Commissioner for Refugees, by M. Demetriou KC, B. Hoorelbeke, advocaat, and S.A. Love, Barrister-at-Law,

– the Italian Government, by G. Palmieri, S. Fiorentino and A. Giovannini, acting as Agents, and by P. Gentili, avvocato dello Stato,

– the European Commission, by F. Erlbacher, F. Ronkes Agerbeek and J. Tomkin, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 10 April 2025,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of the conditions for triggering the liability of a Member State for infringement of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ 2013 L 180, p. 96) and of Article 1 of the Charter of Fundamental Rights of the European Union ('the Charter').

2 The request has been made in connection with two sets of proceedings between (i) S.A., on the one hand, and the Minister for Children, Equality, Disability, Integration and Youth (Ireland) ('the Minister'), Ireland, and the Attorney General (Ireland), on the other, and (ii) R.J., on the one hand, and the Minister, Ireland, and the Attorney General, on the other, concerning claims for compensation for damage allegedly suffered as a result of a failure to provide S.A. and R.J. with housing, food, water, and other material reception conditions meeting their basic needs following the making of an application for international protection in Ireland.

Legal context

European Union law

3 Recital 11 of Directive 2013/33 is worded as follows:

'Standards for the reception of applicants that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.'

4 Article 2 of that directive, entitled 'Definitions', provides:

'For the purposes of this Directive:

…

(g) "material reception conditions": means the reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance;

…'

5 Article 17 of Directive 2013/33, entitled 'General rules on material reception conditions and health care', provides:

'1. Member States shall ensure that material reception conditions are available to applicants when they make their application for international protection.

2. Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.

Member States shall ensure that that standard of living is met in the specific situation of vulnerable persons, in accordance with Article 21, as well as in relation to the situation of persons who are in detention.

3. Member States may make the provision of all or some of the material reception conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.

…

5. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive.'

6 Article 18 of that directive, entitled 'Modalities for material reception conditions', provides, in paragraphs 1 and 9 thereof:

'1. Where housing is provided in kind, it should take one or a combination of the following forms:

(a) premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones;

(b) accommodation centres which guarantee an adequate standard of living;

(c) private houses, flats, hotels or other premises adapted for housing applicants.

…

9. In duly justified cases, Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:

…

(b) housing capacities normally available are temporarily exhausted.

Such different conditions shall in any event cover basic needs.'

Irish Law

7 Regulation 1 of the European Communities (Reception Conditions) Regulations 2018, SI 230/2018, provides that material reception conditions comprise the following:

'(a) the housing, food and associated benefits provided in kind,

(b) the daily expenses allowance, and

(c) clothing provided by way of financial allowance …'

8 That regulation also specifies that '"daily expenses allowance" means that part of the material reception conditions that constitutes a weekly payment made … to a recipient in order for the recipient to meet incidental, personal expenses'.

9 Regulation 4 of those regulations provides:

'(1) A recipient shall, subject to these Regulations, be entitled to receive the material reception conditions where he or she does not have sufficient means to have an adequate standard of living.

…

(5) The Minister may, exceptionally and subject to paragraph (6), provide the material reception conditions in a manner that is different to that provided for in these Regulations where—

(a) an assessment of a recipient's specific needs is required to be carried out, or

(b) the accommodation capacity normally available is temporarily exhausted.

(6) The provision of the material reception conditions authorised by paragraph (5) shall—

(a) be for as short a period as possible, and

(b) meet the recipient's basic needs.'

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

10 S.A., who is an Afghan national, and R.J., who is an Indian national, made applications for international protection in Ireland on 15 February and 20 March 2023 respectively.

11 The Irish authorities issued each of them with a single voucher for EUR 25. By contrast, those authorities considered that they were not in a position to allocate housing to S.A. and R.J., because the reception centres for asylum seekers were full, notwithstanding the availability of individual temporary housing in Ireland. Without having accommodation in such a reception centre, S.A. and R.J. were not eligible, on the day they made their applications for international protection, for the daily expenses allowance for applicants for international protection provided for by Irish law.

12 S.A. and R.J. slept on the streets or, occasionally, in precarious accommodation in Dublin (Ireland). They have indicated that they did not always have enough to eat, were not always able to maintain their personal hygiene and were placed in a situation involving distress in view of their respective living conditions and the instances of violence faced by each of them. In addition, S.A. was entitled to receive certain forms of emergency medical treatment.

13 S.A. and R.J. applied – unsuccessfully – to the Irish authorities for recognition of their vulnerable status. Following a change in the conditions for eligibility for the daily expenses allowance, S.A. and R.J. were granted, on 5 and 20 April 2023 respectively, with retroactive effect from the date of making their applications for international protection, an allowance in an amount of EUR 38.80 per week. They were also able to obtain allowances to cover ad hoc additional needs.

14 S.A. and R.J. obtained accommodation on 27 April and 22 May 2023 respectively.

15 Subsequently, S.A. and R.J. brought actions before the High Court (Ireland), which is the referring court, against the Minister and the Attorney General, seeking compensation for the damage which they claimed had ensued for each of them as a result of a failure to provide housing, food, water and other material reception conditions meeting their basic needs.

16 Before that court, the Minister and the Attorney General do not dispute that it is appropriate to find that there has been a breach of the national rules implementing Directive 2013/33 and Article 1 of the Charter as a result of a failure to provide S.A. and R.J. with material reception conditions for a number of weeks.

17 However, they argue that, as that breach is the result of a situation of *force majeure*, it should not be regarded as being 'sufficiently serious', within the meaning of the case-law derived from the judgments of 19 November 1991, *Francovich and Others* (C-6/90 and C-9/90, EU:C:1991:428), and of 5 March 1996, *Brasserie du pêcheur and Factortame* (C-46/93 and C-48/93, EU:C:1996:79), to be capable of giving rise to compensation.

18 Without pleading a lack of financial resources, the Minister and the Attorney General remark that housing capacity, in Ireland, for applicants for international protection had been exhausted following the sudden arrival in that Member State of an unprecedented number of third-country nationals seeking temporary or international protection. As a result, for a period of four and a half months, non-vulnerable single adult men seeking international protection in that Member State had not received offers of accommodation. The Irish authorities had nonetheless made all reasonable efforts to ensure accommodation for those persons and to meet their other reception needs. Thus, the infringement of EU law at issue in the main proceedings had not been intentional.

19 S.A. and R.J. submit, first of all, that, where the provisions of a directive are, like the relevant provisions of Directive 2013/33, expressed in mandatory terms, EU law entails strict liability for a Member State which fails to fulfil the obligations set out in those provisions. Next, they argue that *force majeure* cannot be relied upon in order to excuse a breach of an absolute fundamental right. Lastly, they claim that, in this instance, the Irish authorities did not take all the necessary measures to meet the basic needs of applicants for international protection and made a policy choice to focus on global sourcing of accommodation.

20 The referring court notes that a report published in 2020 had found that Ireland should make provision for the reception of applicants for international protection by anticipating around 3 500 new applications being made per year. However, following the invasion of Ukraine by the Russian Federation, nearly 100 000 third-country nationals seeking temporary or international protection had arrived in Ireland between February 2022 and May 2023, of which more than 80 000 had had to be accommodated by the Irish authorities. That court considers that, although the occurrence of those events was certainly unforeseeable, the need to have additional permanent accommodation capacity would have ceased to exist after a certain period of time. It could thus have been expected of the Irish authorities, who had sufficient financial resources, that, in addition to seeking medium-term collective accommodation solutions, they might make efforts to find the persons concerned private housing, by issuing accommodation vouchers or more substantial financial aid than the daily expenses allowance, or that they might put emergency shelters in place.

21 In view of those factors and the case-law of the Court of Justice, the referring court questions whether it is possible to rely on *force majeure* in order to rule out liability on the part of Ireland in the cases in the main proceedings.

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

'(1) Where "*force majeure*" is not found as a defence in a Directive or implementing Regulations [at] issue, is such a defence nonetheless available as a defence to [a claim for damages under the judgment of 19 November 1991, *Francovich and Others* (C-6/90 and C-9/90, EU:C:1991:428),] for a breach of an EU law obligation that confers rights on individuals which derive from the fundamental right to human dignity contained in Article 1 of the

Charter (whether as a defence within the second limb of [the test established in the judgment of 5 March 1996, *Brasserie du pêcheur and Factortame* (C-46/93 and C-48/93, EU:C:1996:79),] or otherwise)?

(2) If the answer to [the first question] is "yes", what are the parameters and proper scope of that *force majeure* defence?'

Consideration of the questions referred

23 According to the settled case-law of the Court, in the procedure laid down by Article 267 TFEU providing for cooperation between national courts and the Court of Justice, it is for the latter to provide the national court with an answer which will be of use to it and enable it to determine the case before it. To that end, the Court should, where necessary, reformulate the questions referred to it. It is for the Court to extract from all the information provided by the national court, in particular from the grounds of the order for reference, the points of EU law which require interpretation, having regard to the subject matter of the dispute (see judgments of 17 July 1997, *Krüger*, C-334/95, EU:C:1997:378, paragraphs 22 and 23, and of 25 February 2025, *Alphabet and Others*, C-233/23, EU:C:2025:110, paragraph 33).

24 In this instance, it follows from the request for a preliminary ruling that it is common ground, in the cases in the main proceedings, that the Irish authorities, by failing to provide the applicants in the main proceedings, for a number of weeks, with the material reception conditions provided for by Directive 2013/33, failed to fulfil their obligations under that directive.

25 In this connection, it is apparent from the information set out in that request that the questions referred are intended exclusively to enable the referring court to rule on the Irish authorities' argument that their liability in that regard can be ruled out, in the context of an action seeking compensation for damage, because of the occurrence of a situation of *force majeure*. Those authorities are thus relying, more specifically, on the fact that, at the time when the applicants in the main proceedings submitted their applications for international protection, the housing capacity normally available in Ireland for applicants for international protection had been exhausted, following the sudden arrival in that Member State of an unprecedented number of third-country nationals seeking temporary or international protection; a situation which those authorities maintain was unforeseeable and unavoidable. By contrast, those authorities are not claiming to have been objectively prevented from providing material reception conditions covering those third-country nationals' basic needs.

26 In view of those factors, it must be held that, by its questions, which it is appropriate to examine together, the referring court asks, in essence, whether EU law is to be interpreted as meaning that a Member State which has not guaranteed, for a number of weeks, access by an applicant for international protection to the material reception conditions provided for by Directive 2013/33 may avoid liability under EU law by pleading temporary exhaustion of the housing capacity normally available in its territory for applicants for international protection, owing to an influx of third-country nationals seeking temporary or international protection; an influx which, because of its significant and sudden nature, was unforeseeable and unavoidable.

27 According to settled case-law, individuals who have been harmed by an infringement of EU law attributable to a Member State have a right to compensation where three conditions are met: the rule of EU law infringed must be intended to confer rights on them; the infringement of that rule

must be sufficiently serious; and there must be a direct causal link between that infringement and the loss or damage sustained by those individuals (see, to that effect, judgments of 5 March 1996, *Brasserie du pêcheur and Factortame*, C-46/93 and C-48/93, EU:C:1996:79, paragraph 51, and of 22 December 2022, *Ministre de la Transition écologique and Premier ministre (Liability of the State for air pollution)*, C-61/21, EU:C:2022:1015, paragraph 44).

28 It is apparent from the order for reference that it is not disputed that the provisions of Directive 2013/33 relating to material reception conditions confer rights on the applicants for international protection covered thereby and that the questions referred do not concern the existence of a direct causal link between infringement of those provisions by the Irish authorities and the damage which the applicants in the main proceedings claim to have suffered. In so far as those questions thus concern only the second of the conditions set out in the preceding paragraph of the present judgment, it should be borne in mind that, in order to determine whether a sufficiently serious infringement of EU law has occurred, the national court before which a claim for compensation has been brought must take account of all the factors which characterise the situation brought before it. The factors which may be taken into consideration in that regard include, in particular, the degree of clarity and precision of the rule infringed, the scope of the room for assessment that that rule confers on national authorities, whether the infringement and the damage caused were intentional or involuntary, whether any error of law was excusable or inexcusable, and the issue, where applicable, of whether the position taken by an EU institution may have contributed to the adoption or maintenance of national measures or practices contrary to EU law (see, to that effect, judgment of 29 July 2019, *Hochtief Solutions Magyarországi Fióktelepe*, C-620/17, EU:C:2019:630, paragraph 42 and the case-law cited).

29 In that regard, the Court has specified, in particular, that an infringement of EU law is sufficiently serious where a Member State has manifestly and gravely disregarded the limits on the exercise of its powers and that, in a situation where the Member State concerned had considerably reduced, or even no discretion, the mere infringement of EU law may be sufficient to establish the existence of a sufficiently serious infringement of that law (see, to that effect, judgments of 23 May 1996, *Hedley Lomas*, C-5/94, EU:C:1996:205, paragraph 28, and of 15 June 1999, *Rechberger and Others*, C-140/97, EU:C:1999:306, paragraph 50).

30 In any event, an infringement of EU law must be regarded as sufficiently serious if it was made in manifest breach of the relevant case-law of the Court (see, to that effect, judgment of 29 July 2019, *Hochtief Solutions Magyarországi Fióktelepe*, C-620/17, EU:C:2019:630, paragraph 43 and the case-law cited).

31 While it is, in principle, for the national courts to determine whether the conditions for triggering the liability of a Member State for infringement of EU law are satisfied, the Court may nevertheless specify certain circumstances which those courts must take into account in their assessment (see, to that effect, judgments of 26 March 1996, *British Telecommunications*, C-392/93, EU:C:1996:131, paragraph 41, and of 18 January 2001, *Stockholm Lindöpark*, C-150/99, EU:C:2001:34, paragraph 38).

32 To that end, it should be noted that Article 17(1) of Directive 2013/33 provides that Member States are to ensure that material reception conditions are available to applicants for international protection when they make their application.

33 It follows from Article 2(g) of that directive that material reception conditions include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance.

34 Whatever the method chosen by a Member State for providing those conditions, Article 17(2) of Directive 2013/33 requires that those conditions provide an adequate standard of living for applicants for international protection, which guarantees their subsistence and protects their physical and mental health. Article 17(3) of that directive nonetheless permits the Member States to make the provision of all or some of those conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.

35 In addition, Article 17(5) of Directive 2013/33 provides that, where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof is to be determined on the basis of the level or levels established by the Member State concerned to ensure adequate standards of living for nationals, on the understanding that the treatment granted to applicants for international protection may be less favourable than that granted to those nationals. It can be seen, in that regard, from the case-law of the Court that the amount of such financial allowances or such vouchers must be sufficient to ensure a standard of living which is dignified and adequate for the health of applicants for international protection; it must also be capable of ensuring their subsistence by enabling them to obtain housing, if necessary, on the private rental market (see, by analogy, judgment of 27 February 2014, *Saciri and Others*, C-79/13, EU:C:2014:103, paragraph 42).

36 Where a Member State opts to provide housing in kind, it must, in principle, comply with a series of specific requirements, set out in Article 18(1) to (8) of Directive 2013/33. However, Article 18(9)(b) of that directive permits the Member States, exceptionally and in duly justified cases, to set modalities for material reception conditions different from those provided for in that article, for a reasonable period which is to be as short as possible, when housing capacities normally available are temporarily exhausted. The last part of Article 18(9) of Directive 2013/33 requires however that those conditions in any event cover the basic needs of the persons concerned.

37 Irrespective of the choices made by a Member State from among the various possibilities provided for in Articles 17 and 18 of Directive 2013/33, it follows from the case-law of the Court concerning Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ 2003 L 31, p. 18) – case-law whose teachings are also relevant, in that regard, to Directive 2013/33, which constitutes the recasting of Directive 2003/9 – that the general scheme of those directives and the observance of fundamental rights, in particular the requirements of Article 1 of the Charter, under which human dignity must be respected and protected, preclude a situation where an applicant for international protection is deprived, even temporarily, of the protection of the minimum standards laid down by those directives (see, to that effect, judgments of 27 September 2012, *Cimade and GISTI*, C-179/11, EU:C:2012:594, paragraph 56, and of 27 February 2014, *Saciri and Others*, C-79/13, EU:C:2014:103, paragraph 35).

38 In particular, saturation of the reception networks for applicants for international protection cannot be relied on to justify any derogation from the minimum standards for the reception of those applicants as established by EU law (see, by analogy, judgment of 27 February 2014, *Saciri and Others*, C-79/13, EU:C:2014:103, paragraph 50).

39 It follows from the combination of rules thus set out in Articles 17 and 18 of Directive 2013/33 that, in the event of temporary exhaustion of the housing capacity normally available in its territory for applicants for international protection, a Member State has a choice between two possible options.

40 First, provided that the conditions set out in paragraph 9 of Article 18 of that directive are satisfied, the Member State concerned may decide to provide housing in kind, without being required to comply with all the requirements set out in that article, but in any event covering the basic needs of the persons concerned.

41 Second, if that Member State no longer wishes to provide material reception conditions in kind or is no longer in a position to do so, it must provide those conditions in the form of financial allowances or vouchers in an amount sufficient to ensure that the basic needs of applicants for international protection, including a standard of living which is dignified and adequate for their health, are met and to ensure their subsistence (see, by analogy, judgment of 27 February 2014, *Saciri and Others*, C-79/13, EU:C:2014:103, paragraph 48).

42 It follows that, while the Member States have a certain discretion to determine the form and precise level of material reception conditions which they provide, they cannot, without manifestly and gravely exceeding that discretion and without acting in manifest breach of the case-law of the Court, fail to provide, even temporarily, material reception conditions covering the basic needs of an applicant for international protection who does not have sufficient means to have a standard of living suitable for his or her health and to be able to ensure his or her subsistence, including as regards his or her access to housing.

43 Accordingly, such a failure appears to be such as to constitute a sufficiently serious infringement of EU law, within the meaning of the case-law referred to in paragraph 27 of the present judgment, even when it occurs in a situation where the housing capacity normally available, in the territory of the Member State concerned, for applicants for international protection is temporarily exhausted.

44 In that context, having regard to the referring court's questions, it is nonetheless necessary to determine whether the fact that such temporary exhaustion of housing capacity is the result – as Ireland maintains – of a significant and sudden influx of third-country nationals seeking temporary or international protection (a situation which is unforeseeable and unavoidable) would be capable of enabling a Member State which has failed to fulfil its obligations as referred to in paragraph 42 of the present judgment to avoid liability under EU law.

45 In that regard, it should be emphasised that the temporary exhaustion of the housing capacity normally available for applicants for international protection, whatever its cause, does not mean, as such, that the provision of material reception conditions in the form of financial allowances or vouchers, which constitutes one of the possibilities available to Member States in order to fulfil their obligations under Directive 2013/33, faces particular challenges or, a fortiori, proves to be impossible.

46 In addition, where the Member State concerned wishes to provide material reception conditions in kind, it can be seen from paragraph 36 of the present judgment that the EU legislature introduced, in Article 18(9)(b) of that directive, a derogation system applicable, under certain conditions, in the event of temporary exhaustion of the housing capacity normally available, while also establishing the rules governing the arrangements for such derogation. That legislature has, inter alia, imposed an obligation on Member States as to the result to be achieved, consisting

in ensuring coverage of the basic needs of applicants for international protection 'in any event', thereby ruling out the possibility of Member States implementing that derogation system being able to avoid offering the necessary guarantees to that end.

47 In that regard, it should be noted that the wording of Article 18(9)(b) of Directive 2013/33 does not include any indication showing that the application of that provision should be ruled out where the temporary exhaustion of the housing capacity normally available is the result of a significant and sudden influx of third-country nationals seeking temporary or international protection, where that situation is unforeseeable and unavoidable.

48 In addition, that provision explicitly states, first, that the derogation introduced thereby may be implemented only 'exceptionally' and 'in duly justified cases' and, second, that the measures adopted in that context must be applied 'for a reasonable period which shall be as short as possible'.

49 Having regard to the cumulative requirements to which the application of Article 18(9)(b) of Directive 2013/33 is thus subject, it must be held that the derogation system introduced by that provision is applicable where the temporary exhaustion of the housing capacity normally available for applicants for international protection could not be objectively avoided by a reasonably diligent Member State. Accordingly, that derogation system applies, in particular, as was noted by the Advocate General in point 44 of her Opinion, in cases where the temporary exhaustion of the housing capacity normally available is the result of a significant and sudden influx of third-country nationals seeking temporary or international protection, where that situation is unforeseeable and unavoidable.

50 Moreover, the Court has already held that, in adopting Article 18(9) of Directive 2013/33, the EU legislature made sure to take into account a situation where a Member State would have to deal with a considerable increase in the number of applications for international protection (see, to that effect, judgment of 17 December 2020, *Commission* v *Hungary (Reception of applicants for international protection)*, C-808/18, EU:C:2020:1029, paragraphs 222 and 223); a situation which may be unforeseeable and unavoidable (see, to that effect, judgment of 6 September 2017, *Slovakia and Hungary* v *Council*, C-643/15 and C-647/15, EU:C:2017:631, paragraph 114).

51 In situations where the EU legislature has adopted rules intended to define a system imposing certain obligations as to the result to be achieved where events occur which are unforeseeable or unavoidable or are otherwise unknown quantities, whatever the causes may be, it can be seen from the case-law of the Court that those obligations cannot be avoided by relying on the occurrence of such events as covered by the system in question (see, to that effect, judgments of 15 June 1999, *Rechberger and Others*, C-140/97, EU:C:1999:306, paragraphs 74 and 75, and of 8 June 2023, *UFC – Que choisir and CLCV*, C-407/21, EU:C:2023:449, paragraphs 56 and 57).

52 Accordingly, it cannot be accepted, without disregarding the very purpose of the derogation system established in Article 18(9)(b) of Directive 2013/33 and depriving it of its practical effect, that a Member State may justify a failure to apply the obligations deriving from that derogation system, and in particular the obligation to cover 'in any event' the basic needs of the persons concerned, by relying on the occurrence of the event to which the application of that derogation system is subject, namely the temporary exhaustion of the housing capacity normally available for applicants for international protection, including where this is the result of a significant and sudden influx of third-country nationals seeking temporary or international protection, where that situation is unforeseeable and unavoidable.

53 Similarly, it cannot be accepted that pleading the occurrence of such an event enables it to be established that a failure to fulfil the obligations laid down by Directive 2013/33 is not sufficiently serious to be capable of giving rise to a right to compensation. Indeed, such a solution, by depriving applicants for international protection of a key element of their effective judicial protection, would impair the effectiveness of Article 18(9)(b) of that directive, and in particular the obligation as to the result to be obtained regarding the covering of those applicants' basic needs, which is laid down in that provision and which is intended to ensure respect for human dignity as guaranteed by Article 1 of the Charter.

54 In this instance, it must also be pointed out that it is not apparent, either from the order for reference or from the proceedings before the Court, that Ireland has shown that it was incapable, following the significant influx of third-country nationals seeking temporary or international protection to which it refers, either to provide them with housing outside the system normally provided for accommodating such third-country nationals, as the case may be by implementing the derogation provided for in Article 18(9)(b) of Directive 2013/33, or, if not, by granting them financial allowances or vouchers in an amount sufficient to ensure they had dignified living conditions.

55 In that regard, the referring court indicates, on the contrary, that it is common ground that the Irish authorities had, in the cases in the main proceedings, sufficient resources to ensure the provision of material reception conditions to applicants for international protection and that housing was available in Ireland.

56 It follows that those cases do not concern a situation in which it would be established that the occurrence of an unforeseeable and unavoidable event would have objectively prevented a Member State from providing material reception conditions in kind, including under the derogation system provided for in Article 18(9) of Directive 2013/33, or in the form of financial allowances or vouchers, in accordance with the arrangements referred to in paragraphs 40 and 41 of the present judgment. Therefore, it does not appear to be necessary, in order to enable the referring court to determine the cases in the main proceedings, to ascertain whether that Member State could, in such a situation, validly rely on the occurrence of a situation of *force majeure* in order to avoid liability under EU law.

57 Having regard to all the foregoing considerations, the answer to the questions referred is that EU law must be interpreted as meaning that a Member State which has not guaranteed, for a number of weeks, access by an applicant for international protection to the material reception conditions provided for by Directive 2013/33 may not avoid liability under EU law by pleading temporary exhaustion of the housing capacity normally available in its territory for applicants for international protection, owing to an influx of third-country nationals seeking temporary or international protection; an influx which, because of its significant and sudden nature, was unforeseeable and unavoidable.

Costs

58 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 (Third Chamber) hereby rules:

EU law must be interpreted as meaning that a Member State which has not guaranteed, for a number of weeks, access by an applicant for international protection to the material reception conditions provided for by Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection may not avoid liability under EU law by pleading temporary exhaustion of the housing capacity normally available in its territory for applicants for international protection, owing to an influx of third-country nationals seeking temporary or international protection; an influx which, because of its significant and sudden nature, was unforeseeable and unavoidable.

Lycourgos Lenaerts Rodin

Spineanu-Matei Fenger

Delivered in open court in Luxembourg on 1 August 2025.

A. Calot Escobar
Registrar

C. Lycourgos
President of the Chamber