Judgment of the Court (Eighth Chamber) of 29 July 2010 — Commission v Italy

(Case C-19/10)

(Failure of a Member State to fulfil obligations — Regulations (EC) Nos 273/2004 and 111/2005 — Drug precursors — Control and monitoring within the Union — Monitoring of trade between the Union and third countries — Penalties)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; European Parliament and Council Regulation No 273/2004, Art 12; Council Regulation No 111/2005, Art. 31) (see paras 15-18)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Art. 12 of Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ 2004 L 47, p. 1) and Art. 31 of Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ 2005 L 22, p. 1).

Operative part

The Court:

1. Declares that, by failing to adopt the national measures necessary for the implementation, first, of Article 12 of Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors and, secondly, of Article 31 of Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the

Community and third countries in drug precursors, the Italian Republic has failed to fulfil its obligations under those regulations;

2. Orders the Italian Republic to pay the costs.

Judgment of the Court (Eighth Chamber) of 29 July 2010 — Commission v France

(Case C-35/10)

(Failure of a Member State to fulfil obligations — Directive 2006/21/EC — Protection of the environment — Waste management — Mining extraction — Failure to transpose within the prescribed period)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; European Parliament and Council Directive 2006/21) (see paras 15-17)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 18)*

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ 2006 L 102, p. 15).