Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 25)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 2, 3, 4, 5, 6, 7, 8, 10 and 12 of Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ 2000 L 269, p. 34).

Operative part

The Court:

1. Declares that, by adopting Legislative Decree No 209 of 24 June 2003 transposing into national law the provisions of Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles in a manner contrary to that directive, the Italian Republic has failed to fulfil its obligations under Article 3(5), Article 5(1), the second subparagraph of Article 7(2)(a) and Article 8(3) and (4) of that directive;

2. Orders the Italian Republic to pay the costs.

Judgment of the Court (Sixth Chamber) of 24 May 2007 — Commission v Portugal

(Case C-43/06)

Failure of a Member State to fulfil its obligations — Directive 85/384/EEC — Architects — Mutual recognition of diplomas, certificates and other evidence of formal qualifications — Requirement to sit an entrance exam for the institute of architects

Freedom of movement for persons — Freedom of establishment — Freedom to provide services — Architects — Recognition of diplomas and other evidence of formal qualifications (Council Directive 85/384, Arts 2 and 10) (see para. 31, operative part)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 2 and 10 of Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ 1985 L 223, p. 15) — Requirement to pass an entrance exam for the institute of architects in the host State, in order to carry on the profession of architect, for architects from other Member States who are not enrolled with their respective national institute of architects.

Operative part

The Court:

1. Declares that, by requiring holders of professional qualifications in architecture conferred by other Member States to sit an entrance exam for the Portuguese Institute of Architects if they were not enrolled in the institute of architects in another Member State, the Republic of Portugal has failed to fulfil its obligations under Articles 2 and 10 of Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, as amended by Directive 2001/19/EC of the European Parliament and the Council of 14 May 2001;

2. Orders the Republic of Portugal to pay the costs.