Judgment of the Court (Fourth Chamber) of 18 May 2006 — Commission v Finland

(Case C-343/05)

Failure of a Member State to fulfil obligations — Directive 2001/37/EC — Manufacture, presentation and sale of tobacco products — Prohibition on placing on the tobacco market for oral use — Failure to transpose within the prescribed period

Member States — Obligations — Implemention of directives — Failure to fulfil obligations not contested (Art. 226 EC) (see paras 8-9)

Re:

Failure of a Member State to fulfil obligations — Failure to transpose Article 8a of Council Directive 89/622/EEC of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products (OJ 1989 L 359, p. 1) as inserted by Council Directive 92/41/EEC of 15 May 1992 amending that directive (OJ 1992 L 158, p. 30), and Article 8 of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products — Commission statement (OJ 2001 L 194, p. 26) — Prohibition on placing on the tobacco market for oral use in relation to the Åland Islands and vessels registered in Finland.

Operative part

The Court:

1. Declares that, by failing to ensure transposition by the Åland Islands of Article 8a of Directive 89/622/EEC of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of

the Member States concerning the labelling of tobacco products, as amended by Council Directive 92/41/EEC of 15 May 1992 and replicated in Article 8 of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, and observance on vessels registered in Finland of the prohibition on placing on the market of snuff laid down by that provision, the Republic of Finland has failed to fulfil its obligations under the EC Treaty and Directive 2001/37.

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

Judgment of the Court (Fifth Chamber) of 18 May 2006 — Commission v Luxembourg

(Case C-354/05)

Failure of a Member State to fulfil obligations — Directive 2003/55/EC — Internal market in natural gas

1. *Acts of the institutions — Directives — Implementation by the Member States (Art. 249, third para., EC) (see para. 6)*

2. *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. 7)*