2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 22)*

Re:

FAILURE of the Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, the Kingdom of Spain has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of Spain to pay the costs.

Order of the Court (Seventh Chamber) of 16 November 2007 — Autostrada dei Fiori and AISCAT v Government of the Italian Republic and Others

(Case C-12/07)

Preliminary references — Inadmissibility

Preliminary rulings — Admissibility — Questions referred without sufficient explanation of the factual and legislative context (Art. 234 EC; Statute of the Court of Justice, Art. 23) (see paras 16-18)

Re:

REFERENCE for a preliminary ruling — Tribunale Civile di Genova — Direct attribution of the management of public services and infrastructures to a company with a controlling role in the market concerned — Attribution to that company of the right to determine the content of concession contracts existing between its own competitors and the State to determine those contracts — Compatibility with Arts 43, 49, 82, 86 and 87 EC

Operative part

The reference for a preliminary ruling by the Tribunale di Genova, by decision of 9 January 2007, is clearly inadmissible.

Order of the Court (Eighth Chamber) of 21 November 2007 — Correia de Matos v Parliament

(Case C-502/06 P)

Appeals — Formal requirements — Appellant not represented — Inadmissibility

Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Arts 19, third para., and 21, first para.; Rules of Procedure of the Court, Arts 37(1), 38(3), and 58) (see paras 11-13)