Judgment of the Court (Sixth Chamber) of 4 October 2007 — Commission v Finland

(Case C-523/06)

Failure of a Member State to fulfil obligations — Directive 2000/59/EC — Port reception facilities for ship-generated waste and cargo residues — Failure to have developed and implemented waste reception and handling plans for all ports

1. *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. 11)*

2. *Acts of the Community institutions — Directives — Implementation by Member States (Art. 249 EC) (see para. 12)*

3. *Environment — Waste — Directive 2000/59 — Ship-generated waste and cargo residues (European Parliament and Council Directive 2000/59, Art. 5(1)) (see paras 13, 14)*

Re:

FAILURE of a Member State to fulfil obligations — Articles 5(1) and 16(1) of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ 2000 L 332, p. 81) — Failure to have developed and implemented waste reception and handling plans for all ports in Finland.

Operative part

The Court:

1. Declares that, by failing to develop and implement waste reception and handling plans for all its ports, the Republic of Finland has failed to fulfil its obligations under Articles 5(1) and 16(1) of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;

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

Order of the Court (Third Chamber) of 4 October 2007 — É.R. and Others v Council and Commission

(Case C-100/07 P)

Appeal — Non-contractual liability of the Community — Bovine spongiform encephalopathy — Lack of adequate measures taken by the Council and the European Commission to prevent the spread of the disease — Appeal manifestly unfounded

1. *Non-contractual liability — Conditions (Art. 288, second para., EC; Statute of the Court of Justice, Art. 46) (see para. 27)*

2. *Appeals — Grounds — Plea against a ground of the judgment not necessary to support the operative part — Invalid plea in law (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.) (see para. 40)*