Judgment of the Court (Eighth Chamber) of 27 September 2007 — Commission v Portugal

(Case C-35/07)

Failure of Member State to fulfil obligations — Directive 2004/28/EC — Veterinary medicinal products — Non-transposition within the prescribed period

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)

Re:

FAILURE of Member State to fulfil obligations — Failure to take within the prescribed period all the measures necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products (OJ 2004 L 136, p. 58).

Operative part

The Court:

1. Declares that by not having adopted the legislative, regulatory and administrative measures necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products, the Portuguese Republic has failed to fulfil its obligations under that directive;

2. Orders the Portuguese Republic to pay the costs.