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. 8)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ 2003 L 345, p. 90).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply fully with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, the Kingdom of Spain has failed to fulfil its obligations under that directive;

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

Judgment of the Court (Seventh Chamber) of 27 September 2007 — Commission v Luxembourg

(Case C-529/06)

Failure of Member State to fulfil obligations — Directive 2003/98/EC — Re-use of public sector information — 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 the measures necessary to comply with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ 2003 L 345, p. 90).

Operative part

The Court:

1. Declares that by not having adopted within the prescribed period the legislative, regulatory and administrative measures necessary to comply with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;

2. Orders the Grand Duchy of Luxembourg to pay the costs.

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

(Case C-4/07)

Failure of a Member State to fulfil obligations — Directive 2003/110/EC — Assistance in cases of transit for the purposes of removal by air — Failure to transpose within the prescribed period