Community and third countries in drug precursors, the Italian Republic has failed to fulfil its obligations under those regulations;

2. Orders the Italian Republic to pay the costs.

Judgment of the Court (Eighth Chamber) of 29 July 2010 — Commission v France

(Case C-35/10)

(Failure of a Member State to fulfil obligations — Directive 2006/21/EC — Protection of the environment — Waste management — Mining extraction — Failure to transpose within the prescribed period)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; European Parliament and Council Directive 2006/21) (see paras 15-17)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 18)*

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ 2006 L 102, p. 15).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC, the French Republic has failed to fulfil its obligations under that directive;

2. Orders the French Republic to pay the costs.