Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ 2004 L 164, p. 44).

Operative part

1. By failing to bring into force all the laws, regulations and administrative provisions necessary to comply with Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive), the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;

2. The Grand Duchy of Luxembourg is ordered to pay the costs.

Order of the Court (Fifth Chamber) of 9 November 2007 — Lavagnoli v Commission

(Case C-74/07 P)

Appeal — Promotion — 2003 promotion procedure — Annulment of the list of promoted officials — Award of priority points

Appeals — Grounds — Error of law relied on not identified — Inadmissibility (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 20-29)

Re:

APPEAL brought against the judgment delivered on 23 November 2006 by the Court of First Instance (Third Chamber) (T-422/04) *Lavagnoli* v *Commission*, in which the Court of First Instance dismissed the present appellant's action for annulment of the list of officials promoted in 2003, on the ground that his name was not included on that list, and the annulment of preparatory documents relating to that decision, and in the alternative, annulment of the decision allocating promotion points in the context of those promotions, with regard to the appellant.

Operative part

1. Appeal dismissed;

2. Mr Lavagnoli is ordered to pay the costs.

Judgment of the Court (Fifth Chamber) of 15 November 2007 — Commission v Spain

(Case C-59/07)

Failure of a Member State to fulfil obligations — Directive 2003/109/EC — Status of third-country nationals who are long-term residents — Failure to transpose within the prescribed period

1. Acts of the institutions — Directives — Implementation by Member States (Art. 249, third para., EC) (see para. 19)