Judgment of the Court (Fifth Chamber) of 7 December 2006 — Commission v Luxembourg

(Case C-48/06)

Failure of a Member State to fulfil obligations — Directive 2002/90/EC — Facilitation of unauthorised entry, transit and residence — Failure to transpose within the period prescribed

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. 5)

Re:

Actions for failure to fulfil obligations — Failure to adopt, within the period prescribed, the provisions necessary to comply with Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ 2002 L 328, p. 17).

Operative part

1. By failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, 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.