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

Judgment of the Court (Fifth Chamber) of 23 November 2006 — Commission v Sweden

(Case C-156/06)

Failure of a Member State to fulfil obligations — Directive 2002/87/EC — Credit institutions, insurance undertakings and investment firms in a financial conglomerate — Supplementary supervision — Failure to transpose 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. 6)

Re:

Failure of a Member State to fulfil obligations — Failure to transpose within the prescribed period Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ 2003 L 35, p. 1).

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 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council, the Kingdom of Sweden has failed to fulfil its obligations under that directive;

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

Judgment of the Court (Sixth Chamber) of 30 November 2006 — Commission v Italy

(Case C-293/05)

Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Pollution and nuisance — Urban waste-water treatment — Province of Varese

1. Actions for failure to fulfil obligations — Pre-litigation procedure — Purpose — Reasoned opinion (Art. 226 EC) (see paras 19-21)