in conjunction with Article 4(1) of that directive and with Directive 1999/30 and Article 1 of Commission Decision 2001/839/EC of 8 November 2001 laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Directives 96/62 and 1999/30;

2. Orders the Italian Republic to pay the costs.

Judgment of the Court (Fifth Chamber) of 12 January 2006 — *Commission* v *United Kingdom*

(Case C-37/05)

(Failure of a Member State to fulfil obligations — Directive 85/337/EEC, as amended by Directive 97/11/EC — Assessment of the effects of projects on the environment — Consents granted without assessment)

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 a Member State to fulfil obligations — Breach of Articles 2(1) and 4 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40), as amended by Council Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5) — Consents granted without assessment

Operative part:

The Court:

1. Declares that, in failing to correctly transpose Articles 2(1) and 4 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;

2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

Judgment of the Court (Fifth Chamber) of 12 January 2006 — *Commission* v *Luxembourg*

(Case C-69/05)

(Failure of a Member State to fulfil obligations — Regulation (EC) No 659/1999 — State aid in the agricultural sector — Submission of annual reports during 2000 and 2001 — Guidelines for the assessment of State aid)

1. *State aid — Examination by the Commission — Guidelines adopted by the Commission and accepted by the Member States — Binding effect (Art. 88(1) EC) (see para. 9)*

2. *Member States — Obligations under Community law — Failure to fulfil obligations — Justification based on national considerations — Not permissible (Art. 226 EC) (see para. 10)*