Judgment of the Court (Sixth Chamber) of 29 November 2007 — Commission v Luxembourg

(Case C-263/07)

Failure of a Member State to fulfil obligations — Incorrect transposition — Directive 96/61/EC — Article 9(4) — Article 13(1) — Annex I — Integrated pollution prevention and control — Concepts of 'application of the best available techniques' and 'periodic reconsideration of the conditions for an operating permit'

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. 14)

Re:

FAILURE of a Member State to fulfil obligations — Incorrect transposition of Articles 9(4) and 13(1) of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ 1996 L 257, p. 26) and of Annex I thereto — Concepts of application of the 'best available techniques' and 'periodic reconsideration' of the conditions for an operating permit.

Operative part

1. By failing correctly to transpose Articles 9(4) and 13(1) of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, and of Annex I thereto, 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.