Judgment of the Court (Seventh Chamber) of 8 November 2007 — Commission v Czech Republic

(Case C-60/07)

Failure of a Member State to fulfil obligations — Directive 2004/33/EC — Technical requirements for blood and blood components — Failure to transpose within the period prescribed

1. *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. 9)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 11)*

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components (OJ 1998 L 91, p. 25).

Operative part

1. By failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the

European Parliament and of the Council as regards certain technical requirements for blood and blood components, the Czech Republic has failed to fulfil its obligations under that directive;

2. The Czech Republic is ordered to pay the costs.

Judgment of the Court (Sixth Chamber) of 8 November 2007 — Commission v France

(Case C-75/07)

Failure of a Member State to fulfil obligations — Directive 2004/28/EC — Veterinary medicinal products — 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. 8)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products (OJ 2004 L 136, p. 58).