Operative part

The Court:

1. Declares that, by exempting all categories of public lending establishments, within the meaning of Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property, from the obligation to remunerate authors for the lending carried out by them, Ireland has failed to fulfil its obligations under Articles 1 and 5 of that directive;

2. Orders Irelands to pay the costs;

3. Orders the Kingdom of Spain to pay its own costs.

Judgment of the Court (Seventh Chamber) of 11 January 2007 — Commission v Greece

(Case C-269/05)

Failure of a Member State to fulfil obligations — Article 1 of Regulation (EEC) No 4055/86 — Maritime transport — Harbour dues levied on passenger vessels or cargo vessels — Harbour dues levied on vehicles aboard ferries — Discrimination

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. 23)*

2. *Transport — Maritime transport — Freedom to provide services — Restrictions (Council Regulation No 4055/86, Art. 1) (see paras 24-30)*

Re:

Failure of a Member State to fulfil obligations — Breach of Article 1 of Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ L 378, p. 1) — Harbour dues levied on passenger vessels or cargo vessels — Lower level of dues when transport is between two ports within national territory — Harbour dues levied on vehicles aboard ferries — Dues not levied on vehicles travelling between ports in national territory.

Operative part

The Court:

1. Declares that, by maintaining in force:

   — the harbour dues levied on passenger vessels (including cruise ships) or on cargo vessels when they enter into harbour, berth and anchor in the ports of Piraeus and Thessaloniki, applying a lower level of dues when transport is between two ports within Greece as compared with cases where transport is to a destination outside Greece,

   — harbour dues for the benefit of the harbour funds of the Port Authorities AE, set up by Law No 2932/2001, and of the ports of Piraeus and Thessaloniki, which are levied on vehicles aboard ferries on international routes, while similar dues are not levied on routes between Greek ports,

   — the right to levy dues on vehicles aboard vehicle ferries with a foreign port destination for the benefit of municipalities and communities,

the Hellenic Republic has failed to fulfil its obligations under Article 1 of Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries;

2. Orders the Hellenic Republic to pay the costs.

Judgment of the Court (Sixth Chamber) of 18 January 2007 — Commission v Czech Republic

(Case C-203/06)

Failure of a Member State to fulfil obligations — Directive 93/16/EEC — Doctors — Mutual recognition of diplomas, certificates and other evidence of formal qualifications — 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, Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 165, p. 1).