Judgment of the Court (Fifth Chamber) of 30 September 2010 – Commission v Czech Republic

(Case C-481/09)

(Failure of a Member State to fulfil its obligations — Environment — Directive 2006/7/EC — Bathing water quality — Failure to transpose within the prescribed period)

1. *Actions for failure to fulfil obligations — Examination of the 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. *Actions for failure to fulfil obligations — Right of the Commission to bring judicial proceedings — To be exercised at its discretion (Art. 226 EC) (see para. 10)*

Re:

Failure of a Member State to fulfil its obligations – Failure to adopt or communicate within the prescribed period the measures necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ 2006 L 64, p. 37).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC, the Czech Republic has failed to fulfil its obligations under that directive;

2. Orders the Czech Republic to pay the costs.