Re:

Reference for a preliminary ruling — Sozialgericht Würzburg — Interpretation of Article 71(1)(b) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ, English Special Edition 1971 (II), p. 416) — Calculation of the unemployment benefits of a boatman on the Rhine ('Rheinschiffer') who was resident, during his last period of employment, on the territory of a Member State other than the State of employment and returned, in accordance with his contract of employment, only every second week to his place of residence — Classification of that worker as 'a frontier worker' or 'a worker, other than a frontier worker'.

Operative part

The reference for a preliminary ruling made by the Sozialgericht Würzburg by decision of 28 September 2006 is manifestly inadmissible.

Order of the Court (Sixth Chamber) of 23 May 2007 — Smanor and Others v Commission

(Case C-99/07 P)

Appeals — Order of the Court of First Instance — Actions for failure to act — Complaints of alleged failure to act by a Member State — Commission not taking a position — Appeal manifestly inadmissible

Appeals — Grounds — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Error of law relied on not identified — Inadmissible (Art. 225 EC; Statute of the Court of Justice, Art. 58, para. 1; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 15-17)

Re:

Appeal against the order of the Court of First Instance (Fourth Chamber) of 14 December 2006 in Case T-150/06 *Smanor and Others* v *Commission* whereby the Court of First Instance dismissed as inadmissible the action by the applicants for: (1) a declaration that the Commission unlawfully failed to act by not taking a position on the complaints which they had lodged in 1986 against the French Republic; and (2) an order for suspension of operation of a judgment and of a decision taken by the national authorities.

Operative part

1. The appeal is dismissed.

2. Smanor SA and Mr & Mrs Ségaud are ordered to bear their own costs.

Judgment of the Court (Seventh Chamber) of 24 May 2007 — Commission v Spain

(Case C-361/05)

Failure of a Member State to fulfil its obligations — Waste management — Directives 75/442/EEC and 1999/31/EC — Illegal and uncontrolled waste tips — Waste tips at Níjar, Hoyo de Miguel and Cueva del Mojón

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. 22)