Judgment of the Court (Sixth Chamber) of 18 December 2007 — Commission v Sweden

(Case C-257/07)

Failure of a Member State to fulfil its obligations — Directive 2004/17/EC — Coordination of the procurement procedures of entities operating in the water, energy, transport and postal services sectors — 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 its obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ 2004 L 134, p. 1).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, the Kingdom of Sweden has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of Sweden to pay the costs.