Judgment of the Court (Fifth Chamber) of 12 January 2006 — *Commission* v *Finland*

(Case C-107/05)

(Failure of a Member State to fulfil obligations — Directive 2003/87/EC — Failure to transpose within the period prescribed)

Member States — Obligations — Implementation of directives — Failure to fuflil obligations not contested (Art. 226 EC) (see para. 5)

Re:

Failure of a Member State to fulfil obligations — Failure to transpose within the prescribed period Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32)

Operative part:

The Court:

1. Declares that, by failing, with regard to the province of Åland, to adopt the laws regulations and administrative provisions necessary to comply with Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, the Finnish Republic has failed to fulfil its obligations under that directive;

2. Orders the Finnish Republic to pay the costs.