27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;

2. Orders the Grand Duchy of Luxembourg to pay the costs.

Judgment of the Court (Fourth Chamber) of 26 October 2006 — Commission v Austria

(Case C-94/06)

Failure of a Member State to fulfil obligations — Failure to transpose — Directive 2002/49/EC

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 adopt within the prescribed period, the measures necessary to comply with Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise — Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise (OJ 2002 L 189, p. 12).

Operative part

The Court:

1. Declares that, by failing to adopt all the laws, regulations and administrative provisions necessary to transpose into national law Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise as regards the Provinces of Burgenland, Carinthia, Upper Austria, Salzburg, Styria and Tyrol, the Republic of Austria has failed to fulfil its obligations under Article 14(1) of that directive;

2. Orders the Republic of Austria to pay the costs.

Judgment of the Court (Sixth Chamber) of 26 October 2006 — Commission v Austria

(Case C-102/06)

Failure of a Member State to fulfil obligations — Directive 2003/9/EC — Minimum standards for the reception of asylum seekers in the Member States — Failure to transpose within the prescribed time-limit

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. 8)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — Justification imputing the failure to decentralised authorities — Not permissible (Art. 226 EC) (see para. 9)*