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. 9)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air (OJ 2003 L 321, p. 26).

Operative part

1. By failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air, the Portuguese Republic has failed to fulfil its obligations under Article 10(1) of that directive;

2. The Portuguese Republic is ordered to pay the costs.

Judgment of the Court (Seventh Chamber) of 27 September 2007 — Commission v Portugal

(Case C-5/07)

Failure of a Member State to fulfil obligations — Directive 2003/109/EC — Third-country nationals who are long-term residents — Failure to transpose within the prescribed period

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. 9)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).

Operative part

The Court:

1. By not having adopted, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, the Portuguese Republic has failed to fulfil its obligations under that directive;

2. The Portuguese Republic is ordered to pay the costs.

Judgment of the Court (Seventh Chamber) of 27 September 2007 — Commission v France

(Case C-9/07)

Failure of a Member State to fulfil obligations — Directive 2002/74/EC — Protection of employees in the event of the insolvency of their employer — Failure to transpose within the prescribed period