Judgment of the Court (Eighth Chamber) of 19 April 2007 — Commission v Luxembourg

(Case C-264/06)

Failure of a Member State to fulfil obligations — Regulation (EC) No 261/2004 — Article 16(3) — Compensation and assistance to passengers — Measures necessary

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. 7)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt the measures necessary to comply with Article 16(3) of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1) — Adoption of effective, proportionate and dissuasive sanctions.

Operative part

The Court:

1. Declares that, by not laying down sanctions for infringements of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 16(3) of that regulation;

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

Judgment of the Court (Sixth Chamber) of 19 April 2007 — Commission v Italy

(Case C-313/06)

Failure of a Member State to fulfil obligations — Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery — 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. 6)