the Member States concerning the labelling of tobacco products, as amended by Council Directive 92/41/EEC of 15 May 1992 and replicated in Article 8 of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, and observance on vessels registered in Finland of the prohibition on placing on the market of snuff laid down by that provision, the Republic of Finland has failed to fulfil its obligations under the EC Treaty and Directive 2001/37.

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

Judgment of the Court (Fifth Chamber) of 18 May 2006 — Commission v Luxembourg

(Case C-354/05)

Failure of a Member State to fulfil obligations — Directive 2003/55/EC — Internal market in natural gas

1. *Acts of the institutions — Directives — Implementation by the Member States (Art. 249, third para., EC) (see para. 6)*

2. *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, within the prescribed period, the measures necessary to comply with Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ 2003 L 176, p. 57).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC, 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.