and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (OJ 2006 L 16, p. 1) — Discrimination — Application of Article 20(2) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ 2002 L 358, p. 59).

Operative part

The Court:

1. Dismisses the action;

2. Orders the Kingdom of Spain to pay the costs;

3. Orders the Commission of the European Communities to bear its own costs.

Judgment of the Court (Seventh Chamber) of 13 December 2007 — Commission v Belgium

(Case C-528/06)

Failure of a Member State to fulfil obligations — Directive 2003/98/EC — Re-use of public sector information — Failure to transpose into national law within the prescribed period

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. 7)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 8)*

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ 2003 L 345, p. 90).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of Belgium to pay the costs.

Judgment of the Court (Sixth Chamber) of 13 December 2007 — Commission v Luxembourg

Case C-244/07

Failure of a Member State to fulfil obligations — Directive 2004/50/EC — Interoperability of the trans-European high-speed rail system and of the trans-European conventional rail system — Failure to transpose within the prescribed period