Judgment of the Court (Fourth Chamber) of 14 June 2007 — Commission v Ireland

(Case C-148/05)

Failure of a Member State to fulfil its obligations — Directive 79/923/EEC — Quality of shellfish waters — Designation of shellfish waters — Pollution reduction programmes — Setting control parameters

1. *Actions for failure to fulfil obligations — Pre-litigation procedure — Formal notice (Art. 226 EC) (see para. 32)*

2. *Actions for failure to fulfil obligations — Subject-matter of the dispute — Determination during the procedure prior to the action (Art. 226 EC) (see paras 34, 35)*

3. *Approximation of laws — Quality required of shellfish waters — Directive 79/923 (Council Directive 79/923, Arts 3 and 4) (see paras 46-48, 61-66)*

Re:

Failure of a Member State to fulfil obligations — Incomplete transposition of Articles 3, 4 and 5 of Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters (OJ 1979 L 281, p. 47) — Failure to designate certain shellfish waters, to establish pollution-reduction programmes and to set control parameters.

Operative part

The Court:

1. Declares that, by failing:

   — in accordance with Article 4 of Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters, to designate all shellfish waters requiring designation;

   — in accordance with Article 3 of Directive 79/923, to set all the required values in respect of shellfish waters designated or requiring designation pursuant to Article 4; and

   — in accordance with Article 5 of Directive 79/923, to take all necessary measures to establish pollution reduction programmes for waters requiring designation pursuant to Article 4,

   Ireland has failed to fulfil its obligations under that directive;

2. Orders Ireland to pay the costs.

Judgment of the Court (Eight Chamber) of 14 June 2007 — Commission v Italy

(Case C-82/06)

Failure of a Member State to fulfil its obligations — Environment — Waste — Hazardous waste — Directives 75/442/EEC and 91/689/EEC — Obligation to draw up and communicate waste management plans