Judgment of the Court (Eighth Chamber) of 14 December 2006 — Commission v Greece

(Case C-390/05)

Failure of a Member State to fulfil obligations — Regulation (EC) No 2037/2000 — Substances that deplete the ozone layer

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 paras 9, 14, 18)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 16(5) and (6) and 17(1) of Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer (OJ 2000 L 244, p. 1) — Recovery, recycling, reclamation and destruction of controlled substances — Failure to determine minimum qualification requirements for the personnel responsible — Failure to report to the Commission on the programmes related to the level of qualification required.

Operative part

The Court:

1. Declares that, by failing to take the measures necessary for determining minimum qualification requirements for the personnel charged with the recovery, recycling, reclamation and destruction of controlled substances that deplete the ozone layer, by failing to submit to the Commission, by 31 December 2001, a report with information on the facilities available and the quantities of used controlled substances recovered, recycled, reclaimed or destroyed and by failing to take all the preventive measures necessary to ensure that fixed equipment with a refrigerating fluid charge of more than 3 kg is checked annually for leakages, the Hellenic Republic has failed to fulfil its obligations under Article 16(5) and (6) and Article 17(1) of

Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer;

2. Orders the Hellenic Republic to pay the costs.

Judgment of the Court (Fifth Chamber) of 14 December 2006 — Commission v United Kingdom

(Case C-138/06)

Failure of a Member State to fulfil obligations — Directive 2002/49/EC — Assessment and management of environmental noise — Non-transposition 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. 7)

Re:

Failure of a Member State to fulfil obligations — Failure to have adopted, within the prescribed period, all the measures necessary to comply with Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise — Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise (OJ 2002 L 189, p. 12).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with