Judgment of the Court (Fifth Chamber) of 29 November 2007 — Commission v France

(Case C-67/07)

Failure of a Member State to fulfil obligations — Directive 2004/24/EC — Traditional herbal medicinal products — Community code — 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. 7)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt within the prescribed period of the provision necessary to comply with Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ 2004 L 136, p. 85).

Operative part

1. By failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use, the French Republic has failed to fulfil its obligations under Article 2 of that directive;

2. The French Republic is ordered to pay the costs.