Judgment of the Court (Seventh Chamber) of 18 December 2007 — Commission v Portugal

(Case C-284/07)

Failure of a Member State to fulfil obligations — Directive 2005/51/EC — Public procurement — Procedures for the award of contracts — 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. 8)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Commission Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and of the Council on public procurement (OJ 2005 L 257, p. 127).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and of the Council on public procurement, the Portuguese Republic has failed to fulfil its obligations under that directive;

2. Orders the Portuguese Republic to pay the costs.