Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, the Kingdom of Spain has failed to fulfil its obligations under that directive;

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

Judgment of the Court (Seventh Chamber) of 28 June 2007 — Commission v Portugal

(Case C-410/06)

Failure of Member State to fulfil obligations — Directive 2002/15/EC — Organisation of the working time of persons performing mobile road transport activities — Failure to transpose within the period prescribed

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. 10)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 11)*

Re:

Failure of Member State to fulfil obligations — Failure to take within the prescribed period the necessary measures to comply with Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ 2002 L 80, p. 35).

Operative part

The Court:

1. Declares that, by failing to adopt within the period prescribed all the laws regulations and administrative provisions necessary to comply with Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, the Portuguese Republic has failed to fulfil its obligations under that directive;

2. Orders the Portuguese Republic to pay the costs.