

**Judgment of the Court (Eighth Chamber) of 21 June 2007 —  
Commission v Spain**

**(Case C-358/05)**

Failure of a Member State to fulfil obligations — Directive 2003/54/EC — Internal market in electricity — Failure to transpose within the period prescribed

*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 provisions necessary to comply with Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC — Statements made with regard to decommissioning and waste management activities (O) 2003 L 176, p. 37).

**Operative part**

The Court:

1. Declares that, by failing to adopt, within the period prescribed, the laws, regulation and administrative provisions to comply with Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC, the Kingdom of Spain has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Spain to pay the costs.