

Judgment of the Court (Seventh Chamber) of 6 December 2007 — Commission of the European Communities v Kingdom of Sweden

(Case C-258/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2004/18/EC — Procedures for the award of public works contracts, public supply contracts and public service contracts — Non-transposition within the prescribed period)

(2008/C 22/32)

Language of the case: Swedish

Parties

Applicant: Commission of the European Communities (represented by: D. Kukovec and K. Nyberg, acting as Agents)

Defendant: Kingdom of Sweden (represented by: A. Falk, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to have adopted, within the prescribed period, the measures necessary to comply with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114)

Operative part of the judgment

The Court:

1. Declares that by not having adopted, within the prescribed period, the legislative, regulatory and administrative measures necessary to comply with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, the Kingdom of Sweden has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Sweden to pay the costs.

⁽¹⁾ OJ C 183, 4.8.2007.

Judgment of the Court (Sixth Chamber) of 29 November 2007 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-263/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Incorrect transposition — Directive 96/61/EC — Article 9(4) — Article 13(1) — Annex I — Integrated pollution prevention and control — Concepts of ‘application of the best available techniques’ and ‘periodic reconsideration of the conditions for an operating permit’)

(2008/C 22/33)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: A. Alcover San Pedro and J.-B. Laignelot, acting as Agents)

Defendant: Grand Duchy of Luxembourg (represented by: C. Schiltz, Agent)

Re:

Failure of a Member State to fulfil obligations — Incorrect transposition of Articles 9(4) and 13(1) of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ 1996 L 257, p. 26) and of Annex I thereto — Concepts of application of the ‘best available techniques’ and ‘periodic reconsideration’ of the conditions for an operating permit

Operative part of the judgment

The Court:

1. Declares that, by failing correctly to transpose Articles 9(4) and 13(1) of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, and of Annex I thereto, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. Orders the Grand Duchy of Luxembourg to pay the costs.

⁽¹⁾ OJ C 211 of 8.9.2007.