

Judgment of the Court (Seventh Chamber) of 18 December 2007 — Commission of the European Communities v Portuguese Republic

(Case C-284/07) ⁽¹⁾

(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)

(2008/C 51/44)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: A. Caeiros, D. Kukovec and P. Andrade, Agents)

Defendant: Portuguese Republic (represented by: M.L. Fernandes, Agent)

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 of the judgment

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 to pay the costs.

⁽¹⁾ OJ C 183, 4.8.2007.

Judgment of the Court (Seventh Chamber) of 13 December 2007 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-294/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States — Failure to transpose into national law within the prescribed period)

(2008/C 51/45)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: D. Maidani, acting as Agent)

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

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77 and corrigenda — OJ 2004 L 229, p. 35 and OJ 2005 L 197, p. 34)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, 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, 8.9.2007.