

Operative part

1. By failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products, the French Republic has failed to fulfil its obligations under Article 3 of that directive;
2. The French Republic is ordered to pay the costs.

Judgment of the Court (Sixth Chamber) of 8 November 2007 — Commission v Luxembourg

(Case C-224/07)

Failure of a Member State to fulfil obligations — Directive 2004/49/EC — Safety on the Community's railways — Incomplete transposition

1. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 11)*
2. *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. 12)*

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures necessary to comply with Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ 2004 L 164, p. 44).

Operative part

1. By failing to bring into force all the laws, regulations and administrative provisions necessary to comply with Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive), the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. The Grand Duchy of Luxembourg is ordered to pay the costs.

**Order of the Court (Fifth Chamber) of 9 November 2007 —
Lavagnoli v Commission**

(Case C-74/07 P)

Appeal — Promotion — 2003 promotion procedure — Annulment of the list of promoted officials — Award of priority points