

2. Article 2(2) and (3) of Regulation No 1593/91, read in conjunction with Article 11(1) and (2) of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets, signed in Geneva on 14 November 1975, must be interpreted as determining only the period within which proof is to be furnished of the regularity of the transport operation, and not the period within which proof must be provided as to the place where the offence or irregularity was committed. It is for the national court to determine, according to the principles of national law on evidence, whether, in the specific case before it and in the light of all the circumstances, that proof was furnished within the period prescribed. However, the national court must determine that period in compliance with Community law and, in particular, must take account of the fact, first, that the period must not be so long as to make it legally and materially impossible to recover the amounts due in another Member State, and, second, that that period must not make it materially impossible for the TIR carnet holder to furnish that proof.

(¹) OJ C 183, 19.7.2008.

Judgment of the Court (Sixth Chamber) of 19 May 2009 — Commission of the European Communities v Portuguese Republic

(Case C-253/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2006/22/EC — Approximation of laws — Social legislation relating to road transport activities — Failure to transpose within the prescribed period)

(2009/C 153/26)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: N. Yerrell and M. Teles Romão, acting as Agents)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes and F. Fraústo de Azevedo, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ 2006 L 102, p. 35)

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

2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, the Portuguese Republic has failed to fulfil its obligations under Directive 2006/22;

2. orders the Portuguese Republic to pay the costs.

(¹) OJ C 223, 30.8.2008.

Judgment of the Court (Eighth Chamber) of 30 April 2009 — Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

(Case C-256/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2004/83/EC — Minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who need international protection — Failure to transpose the directive within the prescribed period)

(2009/C 153/27)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: C. O'Reilly and M. Condou-Durande, acting as Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Ossowski, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;