

Judgment of the Court (Seventh Chamber) of 5 February 2009 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-282/08) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2005/38/EC — Unfair commercial practices — Failure to transpose within the period prescribed)

(2009/C 82/14)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: W. Roels and W. Wils, acting as Agents)

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

Re:

Failure of a Member State to fulfil its obligations — Failure to adopt or notify, within the prescribed period, the provisions necessary to comply with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), 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 209, 15.8.2008.

Judgment of the Court (Seventh Chamber) of 5 February 2009 — Commission of the European Communities v Republic of Finland

(Case C-293/08) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2004/83/EC — Failure to transpose within the period prescribed)

(2009/C 82/15)

Language of the case: Finnish

Parties

Applicant: Commission of the European Communities (represented by: M. Condou-Durande and I. Koskinen, acting as Agents)

Defendant: Republic of Finland (represented by: J. Heliskoski, Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the measures 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 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 and, in any event, by failing to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under that directive;
2. Orders the Republic of Finland to pay the costs.

⁽¹⁾ OJ C 223, 30.8.2008.