

**Judgment of the Court (Sixth Chamber) of 14 May 2009 —
Commission of the European Communities v Kingdom of
Sweden**

(Case C-322/08) ⁽¹⁾

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

(2009/C 153/30)

Language of the case: Swedish

Parties

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

Defendant: Kingdom of Sweden (represented by: S. Johannesson, 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, 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 Kingdom of Sweden failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Sweden to pay the costs.

⁽¹⁾ OJ C 223 of 30.8.2008.

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

(Case C-368/08) ⁽¹⁾

*(Failure of a Member State to fulfil obligations — Directive
2004/35/EC — Remedying of environmental damage —
'Polluter pays' principle)*

(2009/C 153/31)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: U. Wölker and I. Dimitriou, acting as Agents)

Defendant: Hellenic Republic (represented by: N. Dafniou, 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 Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

Operative part of the judgment

The Court:

1. declares that by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, the Hellenic Republic has failed to fulfil its obligations under Article 19(1) of that directive;
2. orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 247, 27.9.2008.

**Judgment of the Court (Seventh Chamber) of 14 May 2009 —
Commission of the European Communities v Grand
Duchy of Luxembourg**

(Case C-390/08) ⁽¹⁾

*(Failure of a Member State to fulfil obligations —
Environment — Decision No 280/2004/EC — Implemen-
tation of the Kyoto Protocol — National measures intended
to limit and/or reduce greenhouse gas emissions — Failure to
communicate the information required)*

(2009/C 153/32)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: U. Wölker and J.-P. Keppenne, acting as Agents)

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

Re:

Failure of a Member State to fulfil obligations — Failure to communicate, within the prescribed time-limit, the information required by Article 3(2) of Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community