

**Judgment of the Court (Seventh Chamber) of 2 July 2009 —  
Commission v Luxembourg**

**(Case C-567/08)**

(Failure of a Member State to fulfil obligations — Directive 2005/36/EC — Recognition of professional qualifications — Failure to transpose within the prescribed period)

*Actions for failure to fulfil obligations — Examination of the 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. 9)*

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt or notify, within the prescribed period, all the measures necessary to comply with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22).

**Operative part**

The Court:

1. Declares that, by not adopting within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, 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.