

- an order that the Grand-Duchy of Luxembourg pay the Commission a penalty payment of EUR 4 800 for each day of delay in complying with judgment in Case C-481/03 with regard to Directive 2001/12/EC and a penalty payment of EUR 4 800 for each day of delay in complying with the judgment in Case C-481/03 with regard to Directive 2001/13/EC from the date of judgment herein until the judgment in Case C-481/03 has been complied with;
- an order that the Grand-Duchy of Luxembourg pay the Commission a lump sum, to be calculated by multiplying the daily sum of EUR 1 000 by the number of days the infringement continues, from the date of judgment in Case C-481/03 until the date of judgment herein in relation to Directive 2001/12/EC, together with the same sum in relation to Directive 2001/13/EC; and
- an order that the Grand-Duchy of Luxembourg pay the costs.

Pleas in law and main arguments

The Grand-Duchy of Luxembourg has failed to communicate to the Commission any measure adopted following the judgment of the Court in Case C-481/03.

⁽¹⁾ Not reported.

⁽²⁾ Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways (OJ L 75, p. 1).

⁽³⁾ Directive 2001/13/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings (OJ L 75, p. 26).

Action brought on 16 May 2006 — Commission of the European Communities v French Republic

(Case C-222/06)

(2006/C 165/36)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: D. Maidani and G. Braun, acting as Agents)

Defendant: French Republic

Form of order sought

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering ⁽¹⁾, the French Republic has failed to fulfil its obligations under that directive;
- order the French Republic to pay the costs.

Pleas in law and main arguments

The period for transposing the directive expired on 15 June 2003.

⁽¹⁾ OJ 2001 L 344, p. 76.

Action brought on 16 May 2006 — Commission of the European Communities v Grand-Duchy of Luxembourg

(Case C-223/06)

(2006/C 165/37)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Braun, Agent)

Defendant: Grand-Duchy of Luxembourg

Form of order sought

- Declare that, by failing to bring into force the laws, regulations and administrative provisions necessary to comply with Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings ⁽¹⁾, or, in any event, by failing to notify the Commission of such measures, the Grand-Duchy of Luxembourg has failed to fulfil its obligations under that directive;

— order the Grand-Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period for implementing the directive expired on 1 January 2005.

(¹) OJ L 178, p. 16.

Action brought on 16 May 2006 — Commission of the European Communities v Kingdom of Spain

(Case C-224/06)

(2006/C 165/38)

Language of the case: Spanish

Parties

Applicant: Commission of the European Communities (represented by: G. Braun and J.R. Vidal Puig, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

— Declare that the Kingdom of Spain, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/72/EC (¹) of 29 April 2004 implementing Directive 2003/6/EC (²) of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers' transactions and the notification of suspicious transactions and, in any event, by failing to inform the Commission thereof, has failed to fulfil its obligations under that directive;

— order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The time-limit prescribed for the implementation in national law of Directive 2004/72/EC expired on 12 October 2004.

(¹) OJ L 162, 30.4.2004, p. 70.

(²) OJ L 96, 12.4.2003, p. 16.

Action brought on 17 May 2006 — Commission of the European Communities v French Republic

(Case C-226/06)

(2006/C 165/39)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and I. Kaufmann-Bühler, acting as Agents)

Defendant: French Republic

Form of order sought

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Articles 2, 10(1) and 12(3) and (4) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (¹), the French Republic has failed to fulfil its obligations under that directive and Articles 10 EC and 249 EC;

— order the French Republic to pay the costs.

Pleas in law and main arguments

The period for transposing Directive 89/391/EEC expired on 31 December 1992.

The Commission complains that the French Republic has failed to fulfil its obligations under Articles 2, 10(1) and 12(3) and (4) of Directive 83/391 by failing to adopt all the provisions necessary to transpose the directive correctly into French law.

(¹) OJ 1989 L 183, p. 1.

Action brought on 17 May 2006 — Commission of the European Communities v Kingdom of Belgium

(Case C-227/06)

(2006/C 165/40)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: B. Schima and B. Stromsky, agents)

Defendant: Kingdom of Belgium