

**Judgment of the Court (Fifth Chamber) of 7 December 2006 —
Commission v Luxembourg**

(Case C-78/06)

Failure of a Member State to fulfil obligations — Directive 2002/49/EC —
Assessment and management of environmental noise — Failure to transpose within
the period prescribed

*Actions for failure to fulfil obligations — Examination of 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. 7)*

Re:

Failure of a Member State to fulfil obligations — Failure to take, within the period
prescribed, the measures necessary to comply with Directive 2002/49/EC of the
European Parliament and of the Council of 25 June 2002 relating to the assessment
and management of environmental noise (OJ 2002 L 189, p. 12).

Operative part

The Court:

1. Declares that, by failing to take, within the period prescribed, the measures
necessary to comply with Directive 2002/49/EC of the European Parliament
and of the Council of 25 June 2002 relating to the assessment and
management of environmental noise, 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.