

or in the alternative:

declare that, by failing to communicate to the Commission the laws, regulations and administrative provisions necessary to comply with Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 4 of that directive;

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

#### **Pleas in law and main arguments**

The period for transposition of Directive 2004/50/EC expired on 29 April 2006.

<sup>(1)</sup> OJ 2004 L 164, p. 114, and corrigendum OJ 2004 L 220, p. 40.

#### **Action brought on 22 May 2007 — Commission of the European Communities v Germany**

(Case C-245/07)

(2007/C 155/33)

*Language of the case: German*

#### **Parties**

*Applicant:* Commission of the European Communities (represented by: G. Braun and P. Dejmek, acting as Agents)

*Defendant:* Federal Republic of Germany

#### **Form of order sought**

— Declaration that, by failing to adopt within the prescribed period or by not informing the Commission of the adoption of all laws, regulations and administrative provisions necessary in order to transpose Directive 2004/50/EC <sup>(1)</sup> of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC <sup>(2)</sup> on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC <sup>(3)</sup> of the European Parliament and of

the Council on the interoperability of the trans-European conventional rail system in national law, the Federal Republic of Germany has failed to fulfil its obligations under that directive;

— The Federal Republic of Germany to pay the costs.

#### **Pleas in law and main arguments**

The period prescribed for transposition of Directive 2004/50/EC expired on 30 April 2006.

<sup>(1)</sup> OJ 2004, L 116, p. 114.

<sup>(2)</sup> OJ 1996, L 235, p. 6.

<sup>(3)</sup> OJ 2001, L 110, p. 1.

#### **Action brought on 24 May 2007 — Commission of the European Communities v Hellenic Republic**

(Case C-250/07)

(2007/C 155/34)

*Language of the case: Greek*

#### **Parties**

*Applicant:* Commission of the European Communities (represented by: M. Patakia and D. Kukovec)

*Defendant:* Hellenic Republic

#### **Form of order sought**

— declare that, by not first publishing a call for competition and by being unjustifiably tardy in replying to the complainant's request that the reasons for the rejection of its tender be explained, the Hellenic Republic has failed to fulfil its obligation, regarding a call for competition before a procedure for the submission of tenders is embarked upon, under Article 20(2) of Directive 93/38/EEC <sup>(1)</sup> of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors and its obligation under Article 41(4) of Directive 93/38/EEC, as both interpreted by the case-law of the Court of Justice of the European Communities;

— order the Hellenic Republic to pay the costs.