

**Judgment of the Court (Eighth Chamber) of 19 March 2009
— Commission of the European Communities v
Portuguese Republic**

(Case C-245/08) ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Free movement of persons — Freedom to provide services — Right of establishment — Adjustments consequent on the accession of the Republic of Bulgaria and Romania)

(2009/C 113/22)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: P. Andrade and H. Støvlbæk, acting as Agents)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes and F. Fraústo de Azevedo, acting as Agents)

Re:

Failure of a Member State to fulfil its obligations — Failure to have adopted, within the time-limit prescribed, the measures necessary to comply with Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania (OJ 2006 L 363, p. 141)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the time-limit prescribed, the laws, regulations and administrative provisions necessary to comply with Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania, the Portuguese Republic has failed to fulfil its obligations under Article 2(1) of that directive;
2. Orders the Portuguese Republic to pay the costs.

⁽¹⁾ OJ C 183, 19.7.2008.

**Judgment of the Court (Fifth Chamber) of 12 March 2009
— Commission of the European Communities v Grand
Duchy of Luxembourg**

(Case C-289/08) ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 96/82/EC — Article 11(1)(c) — External emergency plans — Failure to transpose within the period prescribed)

(2009/C 113/23)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and A. Sipos, acting as Agents)

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

Re:

Failure of a Member State to fulfil its obligations — Failure to draw up external emergency plans for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ 1997 L 10, p. 13)

Operative part of the judgment

The Court:

1. Declares that, by failing to draw up within the period prescribed an external emergency plan for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 11(1)(c) of that directive.
2. Orders the Grand Duchy of Luxembourg to pay the costs.

⁽¹⁾ OJ C 223, 30.8.2008.

**Judgment of the Court (Eighth Chamber) of 12 March 2009
— Commission of the European Communities v Hellenic
Republic**

(Case C-298/08) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2006/22/EC — Approximation of laws — Social legislation relating to road transport activities — Failure to transpose within the period prescribed)

(2009/C 113/24)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: N. Yerrell and I. Chatzigiannis, 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 measures necessary to comply with Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ 2006 L 102, p. 35)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, the Hellenic Republic has failed to fulfil its obligations under Directive 2006/22;
2. orders the Hellenic Republic to pay the costs.

(¹) OJ C 223, 30.8.2008.

**Judgment of the Court (Fifth Chamber) of 24 March 2009
— Commission of the European Communities v Grand Duchy of Luxembourg**

(Case C-331/08) (¹)

(Failure of a Member State to fulfil obligations — Environmental liability — Directive 2004/35/EC — Prevention and remedying of environmental damage)

(2009/C 113/25)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and U. Wölker, 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 adopt 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 (OJ 2004 L 143, p. 56)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the period prescribed, all 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 Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 19 of that directive;
2. orders the Grand Duchy of Luxembourg to pay the costs.

(¹) OJ C 272, 25.10.2008.

**Judgment of the Court (Sixth Chamber) of 12 March 2009
— Commission of the European Communities v Kingdom of Belgium**

(Case C-342/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 96/82/EC — Article 11(1)(c) — Failure to draw up external emergency plans — Incomplete transposition)

(2009/C 113/26)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and A. Sipos, acting as Agents)

Defendant: Kingdom of Belgium (represented by: T. Materne, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to draw up external emergency plans for the measures to be taken outside establishments falling within Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ 1997 L 10, p. 13)

Operative part of the judgment

The Court:

1. Declares that, by failing to ensure that an external emergency plan is drawn up for all the establishments covered by Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003, the Kingdom of Belgium has failed to fulfil its obligations under that directive;
2. orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 285, 8.11.2008.

**Judgment of the Court (Seventh Chamber) of 12 March 2009
— Commission of the European Communities v Republic of Slovenia**

(Case C-402/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2004/35/EC — Environmental liability with regard to the prevention and remedying of environmental damage — Failure to transpose within the period prescribed)

(2009/C 113/27)

Language of the case: Slovenian

Parties

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

Defendant: Republic of Slovenia (represented by: A. Vran, Agent)