

Operative part

The Court:

1. Declares that, by failing to transpose correctly into national law the provisions of European Union law governing the designation of universal service provider(s) and, in any event, by failing to ensure that those provisions are applied in practice, the Portuguese Republic has failed to fulfil its obligations under Articles 3(2) and 8(2) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).
2. Orders the Portuguese Republic to pay the costs.

Judgment of the Court (Fifth Chamber) of 7 October 2010 — Commission v Slovenia

(Case C-49/10)

(Failure of a Member State to fulfil obligations — Environment — Directive 2008/1/EC — Integrated pollution prevention and control — Requirements for the granting of permits for existing installations — Failure to transpose within the prescribed period)

1. *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. 258 TFEU) (see para. 23)*
2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 24)*

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ 2008 L 24, p. 8) — Requirements for the granting of permits for existing installations — Obligation to ensure that such installations operate in accordance with the requirements of the directive.

Operative part

1. Declares that, by failing to adopt, within the prescribed period, all the measures necessary as far as concerns permits for industrial installations, in accordance with Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control, the Republic of Slovenia has failed to fulfil its obligations under that directive;
2. Orders the Republic of Slovenia to pay the costs.

**Judgment of the Court (Seventh Chamber) of 7 October 2010 —
Commission v Greece**

(Case C-127/10)

(Failure of a Member State to fulfil obligations — Directive 2006/42/EC on machinery — Failure to transpose within the prescribed period)

1. *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. 258 TFEU) (see para. 10)*