Re

Appeal against the order of the Court of First Instance (Fourth Chamber) of 5 September 2006 in Case T-242/05 *AEPI* v *Commission* — Inadmissibility of an application for the annulment of the Commission's decision not to bring proceedings for failure to fulfil obligations against the Hellenic Republic.

Operative part:

1. The appeal is dismissed.

2. AEPI Elliniki Etairia pros Prostasian tis Pnevmatikis Idioktisias AE is ordered to pay the costs.

Judgment of the Court (Seventh Chamber) of 12 July 2007 — Commission v Belgium

(Case C-90/07)

Failure of a Member State to fulfil obligations — Directive 2004/12/EC — Packaging and packaging waste — Failure to transpose within the prescribed period

1. *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. 11)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 13)*

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste (OJ 2004 L 47, p. 26).

Operative part

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste, the Kingdom of Belgium has failed to fulfil its obligations under that directive.

2. Orders the Kingdom of Belgium to pay the costs.

Judgment of the Court (Third Chamber) of 18 July 2007 — Commission v Spain

(Case C-501/04)

Failure of a Member State to fulfil obligations — Direct insurance other than life assurance and direct life assurance — Directives 92/49/EEC and 2002/83/EC — Portfolio transfer system — Right to cancel — Admissibility