Judgment of the Court (Seventh Chamber) of 27 September 2007 — Commission v Belgium

(Case C-93/07)

Failure of a Member State to fulfil obligations — Directive 2003/35/EC — Environment — Public participation in certain projects and programmes — 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. 7)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 8)*

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the provisions necessary to comply with Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ 2003 L 156, p. 17).

Operative part

1. By failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and

programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. The Kingdom of Belgium is ordered to pay the costs.

Judgment of the Court (Sixth Chamber) of 27 September 2007 — Commission v Czech Republic

(Case C-115/07)

Failure of a Member State to fulfil its obligations — Directive 2004/27/EC — Proprietary medicinal products — Medicinal products for human use — Failure to transpose within the prescribed period

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. 9)

Re:

FAILURE of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, all the provisions necessary to comply with Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ 2004 L 136, p. 34).