Operative part

1. The appeal is dismissed.

2. Yedaş Tarim ve Otomotiv Sanayi ve Ticaret AŞ is ordered to pay the costs.

Judgment of the Court (Seventh Chamber) of 5 July 2007 — Commission v Spain

(Case C-317/06)

Failure of Member State to fulfil obligations — Directive 2002/14/EC — Informing and consulting employees in the European Community — Failure to transpose within the period prescribed

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. 6)

Re:

Failure of Member State to fulfil obligations — Failure to take, within the period prescribed the measures necessary to comply with Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community — Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ 2002 L 80, p. 29).

Operative part:

The Court:

1. Declares that, by not having adopted, within the period prescribed, the laws, regulations and administrative measures necessary to comply with Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, the Kingdom of Spain has failed to fulfil its obligations under that directive.

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

Judgment of the Court (Sixth Chamber) of 5 July 2007 — Commission v Austria

(Case C-340/06)

Failure of a Member State to fulfil obligations — Directive 2003/4/EC — Public access to environmental information — Failure to transpose within the period prescribed

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. 6)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, all the measures necessary to comply with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ 2003 L 41, p. 26).