Operative part:

1. By not adopting within the period prescribed all the laws, regulations and administrative provisions necessary to transpose 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, the Republic of Austria has failed to fulfil its obligations under that directive.

2. The Republic of Austria is ordered to pay the costs.

Order of the Court (Sixth Chamber) of 10 July 2007 — AEPI v Commission

(Case C-461/06 P)

Appeal — Action for annulment — Refusal by the Commission to initiate proceedings for failure to fulfil obligations — Inadmissibility

1. *Actions for annulment — Actionable measures — Commission's refusal to bring proceedings for failure to fulfil obligations — Inadmissibility (Arts 226 EC and 230 EC) (see paras 23-26)*

2. *Procedure — Statement of reasons for judgments — Scope (see para. 35)*

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)*