obligations under Article 53 of Council Directive 96/29/Euratom of 31 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

2. The United Kingdom of Great Britain and Northern Ireland is ordered to pay the costs.

Judgment of the Court (Seventh Chamber) of 18 July 2007 — Op-en Overslagbedrijf Van der Vaart v Staatssecretaris van Financiën

(Case C-402/06)

Common Customs Tariff — Tariff classification — Combined Nomenclature — Product obtained from curdled milk and the extraction of a significant quantity of serum

Common Customs Tariff — Tariff headings (see paras 27, 35, operative parts 1, 2)

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Annex I to Commission Regulation (EC) No 1734/96 of 9 September 1996 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1996 L 238, p. 1) — Product obtained from curdled milk and extraction of most of the serum containing not more than 2% of whey-albumin that has been broken down by the activity of an enzyme added during a drying process lasting 24 to 36 hours.

Operative part

1. Heading 0406 of the Combined Nomenclature, set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1734/96 of 9 September 1996, must be construed in such a way that it can accommodate the classification of a product, such as that in issue in the main proceedings, obtained from curdled milk from which a great deal of the serum has been extracted and the albumin content of which has been reduced, by the effect of an enzyme, to 2% of the total quantity of the albumins during a drying process lasting 24 to 36 hours and consisting of casein and more than 50% humidity.

2. Subheading 0406 20 90 of the Combined Nomenclature must be construed in such a way that it can accommodate a product, such as that in issue in the main proceedings, which contains more than 50% humidity and less than 1% fat and is ground into regular granules of 2 to 4 mm in size and is intended for use in the manufacture of pizza toppings and in the preparation of cheese sauces.

Judgment of the Court (Sixth Chamber) of 18 July 2007 — Commission v Austria

(Case C-517/06)

Failure of a Member State to fulfil obligations — Directive 2003/98/EC — Re-use of public sector 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. 10)