

Operative part

1. The appeal is dismissed.
2. Nuova Agricast Srl is ordered to pay the costs.

**Order of the Court (Eighth Chamber) of 29 June 2009 —
Cofra v Commission**

(Case C-295/08 P)

(Appeal — Public access to documents of the institutions — Documents originating from a Member State — Objection of the Member State to disclosure of the documents — Refusal to access — New application — Confirmatory measure)

1. *Appeals — Grounds — Incorrect assessment of the facts — Inadmissibility — Legal classification of the facts — Admissibility (Art. 225 EC) (see paras 33, 34)*
2. *European Communities — Institutions — Right of public access to documents — Regulation No 1049/2001 — Exceptions to the right of access to documents — Conditions — Requirement that the institution should examine the documents specifically and individually (European Parliament and Council Regulation No 1049/2001, Art. 4(7)) (see paras 52-56)*

Re:

Appeal brought against the order of the Court of First Instance (Fifth Chamber) of 15 April 2008 in Case T-478/07 *Cofra v Commission* by which that Court dismissed as inadmissible an action for annulment of the Commission's decision of 5 October 2007 rejecting a request made by the appellant for review of that institution's earlier refusal to allow it access to certain documents.

Operative part

1. The appeal is dismissed.
2. Cofra Srl is ordered to pay the costs.

Judgment of the Court (Fifth Chamber) of 30 June 2009 — Commission v Belgium

(Case C-490/08)

(Failure of Member State to fulfil obligations — Directive 2005/68/EC —
Reinsurance — Failure to adopt within the prescribed period)

*Actions for failure to fulfil obligations — Examination of the 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. 8)*

Failure of Member State to fulfil obligations — Failure to adopt or communicate, within the prescribed period, the measures necessary to comply with Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC and 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC (OJ 2005 L 323, p. 1).

Operative part

The Court:

1. Declares that by failing to adopt all the laws, regulations and administrative provisions necessary in order to comply with Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC and 92/49/EEC as well as