

Decision 2001/246/EC of 27 March 2001 laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC, as amended by Commission Decision 2001/279/EC of 5 April 2001.

(<sup>1</sup>) OJ C 173 of 16.6.2001.

## ORDER OF THE COURT

(Sixth Chamber)

of 3 July 2001

**in Case C-241/99 (reference for a preliminary ruling from the Tribunal Superior de Justicia de Galicia): Confederación Intersindical Galega (CIG) v Servicio Galego de Saúde (Sergas)**(<sup>1</sup>)

**(Article 104(3) of the Rules of Procedure — Social policy — Protection of the health and safety of workers — Directives 89/391/EEC and 93/104/EC — Scope — Primary care services personnel — Average period of work — Inclusion of time on call)**

(2001/C 289/08)

(Language of the case: Spanish)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-241/99: reference to the Court under Article 234 EC from the Tribunal Superior de Justicia de Galicia (Spain), for a preliminary ruling in the proceedings pending before that court between Confederación Intersindical Galega (CIG) and Servicio Galego de Saíde (Sergas) — on the interpretation of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ 1989 L 183, p. 1) and Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time (OJ 1993 L 307, p. 18) — the Court (Sixth Chamber), composed of: C. Gulmann, President of the Chamber, V. Skouris, R. Schintgen, N. Colneric and J.N. Cunha Rodrigues (Rapporteur), Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given an order on 3 July 2001, the operative part is as follows:

- 1) An activity such as that of the medical and nursing staff providing services for Servicio Galego de Saúde in the on-call service, in primary care teams and in other services which treat outside emergencies in the area of the Autonomous Community of Galicia fall within the scope of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time.
- 2) An activity such as that of the medical and nursing staff providing services for Servicio Galego de Saúde in the on-call service, in primary care teams and in other services which treat

outside emergencies in the area of the Autonomous Community of Galicia does not come within the scope of the exception or exclusions laid down in Article 2 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. However, such an activity may come under the derogations provided for in Article 17 of Directive 93/104, in so far as the conditions set out in that provision are fulfilled.

- 3) Time spent on call, when their physical presence is required, by the medical and nursing staff providing services for Servicio Galego de Saúde in the on-call service, in primary care teams and in other services which treat outside emergencies in the area of the Autonomous Community of Galicia must be regarded in its entirety as working time, and where appropriate as overtime, within the meaning of Directive 93/104.

(<sup>1</sup>) OJ C 246 of 28.8.1999.

## ORDER OF THE COURT

(First Chamber)

of 12 July 2001

**in Case C-256/99 (reference for a preliminary ruling from the High Court of Justice of England and Wales, Queen's Bench Division (Crown Office)): The Queen v Secretary of State for the Home Department**(<sup>1</sup>)

**(Article 104(3) of the Rules of Procedure — Question identical to a question on which the Court has already ruled)**

(2001/C 289/09)

(Language of the case: English)

In Case C-256/99: reference to the Court under Article 234 EC from the High Court of Justice of England and Wales, Queen's Bench Division (Crown Office) for a preliminary ruling in the proceedings pending before that court between The Queen and Secretary of State for the Home Department, ex parte Cheung Chiu Hung, intervener: Justice — on the interpretation of Articles 8 and 8a of the EC Treaty (now, after amendment, Articles 17 EC and 18 EC), of the Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland on the definition of the term 'nationals', annexed to the Final Act of the Treaty concerning the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European