

European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).

Operative part

The Court:

1. Declares that by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), 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 (Eighth Chamber) of 23 April 2009 — Commission v Greece

(Case C-493/08)

(Failure of a Member State to fulfil obligations — Directive 2005/56/EC — Cross-border mergers of limited liability companies — Failure to transpose 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)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2005/56/EC of the European

Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies (OJ 2005 L 310, p. 1).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies, the Hellenic Republic has failed to fulfil its obligations under the first paragraph of Article 19 of that directive;
2. Orders the Hellenic Republic to pay the costs.

Order of the Court (Seventh Chamber) of 24 April 2009 — Koukou v Elliniko Dimosio

(Case C-519/08)

(Article 104(3), first paragraph, of the Rules of Procedure — Social Policy — Directive 1999/70/EC — Clauses 5 and 8 of the Framework Agreement on fixed-term work — Public sector fixed-term employment contracts — Successive contracts — Reduction in the general level of protection of workers — Measures intended to prevent abuse — Penalties — Absolute prohibition on conversion of fixed-term employment contracts to contracts of indefinite duration in the public sector — Consequences of incorrect transposition of a directive — Interpretation in conformity with Community law)

1. *Social policy — Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Directive 1999/70 — Measures to prevent abuse of successive fixed-term contracts (Council Directive 1999/70, Annex, clauses 5(1)(a) and 8(3)) (paras 48, 59, 72, 81, 91, 102, 133, operative part 1-6, 8)*