ruling in the proceedings pending before that court between Österreichischer Gewerkschaftsbund, Gewerkschaft der Privatangestellten and Wirtschaftskammer Österreich - on the interpretation of Article 141 EC and Article 1 of Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ 1975 L 45, p. 19) - the Court, composed of: V. Skouris, President, P. Jann, C.W.A. Timmermans, A. Rosas, J.-P. Puissochet (Rapporteur) and J.N. Cunha Rodrigues, Presidents of Chambers, R. Schintgen, F. Macken, N. Colneric, S. von Bahr and R. Silva de Lapuerta, Judges; J. Kokott, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 8 June 2004, in which it has ruled:

1. *The benefit, for persons performing military service or, as an alternative, compulsory civilian service which may be extended voluntarily, consisting in the taking into account, for calculation of a termination payment they might subsequently be entitled to claim, of the duration of that service is to be regarded as part of their pay within the meaning of Article 141 EC.*

2. *Article 141 EC and Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women do not preclude the calculation of a termination payment from taking into account, as length of service, the duration of periods of military service or the civilian equivalent performed mainly by men but not of parental leave taken most often by women.*

(1) OJ C 202 of 24.8.2002.

JUDGMENT OF THE COURT

(Third Chamber)

of 10 June 2004

in Case C-333/03: Commission of the European Communities v Grand Duchy of Luxembourg (1)

(Failure of a Member State to fulfil obligations — Failure to transpose Directive 98/50/EC — Transfer of undertakings — Safeguarding of employees' rights)

(2004/C 190/05)

(Language of the case: French)

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

In Case C-333/03: Commission of the European Communities (Agent: M.-J. Jonczy) v Grand Duchy of Luxembourg (Agent: S. Schreiner) - application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (OJ 1998 L 201, p. 88) or, in any event, by failing to inform the Commission thereof, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive - the Court (Third Chamber), composed of: A. Rosas, acting for the President of the Third Chamber, R. Schintgen and N. Colneric (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 10 June 2004, in which it:

1. *Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;*

2. *Orders the Grand Duchy of Luxembourg to pay the costs.*

(1) OJ C 213 of 6.9.2003.

Action brought on 23 March 2004 by the Commission of the European Communities against the Kingdom of Denmark

(Case C-150/04)

(2004/C 190/06)

An action against the Kingdom of Denmark was brought before the Court of Justice of the European Communities on 23 March 2004 by the Commission of the European Communities, represented by R. Lyal and S. Tams, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1) Declare that, by introducing and maintaining a system for life insurance and pensions under which tax deductions and tax exemptions for payments (sections 18 and 19 of the law on pension tax) are granted only for payments under contracts entered into with pension institutions established in Denmark, whereas no such tax relief is granted for payments pursuant to contracts entered into with pension institutions established in other Member States (sections 53A and 53B), the Kingdom of Denmark has failed to fulfil its obligations under Articles 39, 43, 49 and 56 EC.