

implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the Federal Republic of Germany has failed to fulfil its obligations under that directive.

(2) Orders the Federal Republic of Germany to pay the costs.

(¹) OJ C 239 of 25. 09. 2004.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 28 April 2005

in Case C-375/04: **Commission of the European Communities v Grand Duchy of Luxembourg** (¹)

(Failure of a Member State to fulfil obligations — Directive 2002/58/EC — Electronic communications — Processing of personal data — Protection of privacy — Protection of natural persons — Failure to transpose within the prescribed period)

(2005/C 143/19)

(Language of the case: French)

In Case C-375/04 **Commission of the European Communities** (Agent: M. Shotter) v **Grand Duchy of Luxembourg** (Agent: S. Schreiner) — action under Article 226 EC for failure to fulfil obligations, brought on 1 September 2004 — the Court (Sixth Chamber), composed of A. Borg Barthet, President of the Chamber, U. Löhmus (Rapporteur) and A. Ó Caoimh, Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, gave a judgment on 28 April 2005, in which it:

1. Declares that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), 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 262 of 23.10.2004.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 28 April 2005

in Case C-376/04: **Commission of the European Communities v Kingdom of Belgium** (¹)

(Failure of a Member State to fulfil obligations — Directive 2002/58/EC — Electronic communications — Processing of personal data — Protection of privacy — Protection of natural persons — Failure to transpose within the prescribed period)

(2005/C 143/20)

(Language of the case: French)

In Case C-376/04 **Commission of the European Communities** (Agent: M. Shotter) v **Kingdom of Belgium** (Agent: E. Dominkovits) — action under Article 226 EC for failure to fulfil obligations, brought on 2 September 2004 — the Court (Sixth Chamber), composed of A. Borg Barthet, President of the Chamber, U. Löhmus (Rapporteur) and A. Ó Caoimh, Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, gave a judgment on 28 April 2005, in which it:

1. Declares that, by failing to adopt within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 262 of 23.10.2004.