

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Articles 3 to 7, 8(2) and 9 of Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports, the Italian Republic has failed to fulfil its obligations under that directive;

2. Dismisses the remainder of the action;

3. Orders the Italian Republic to pay the costs.

(⁽¹⁾) OJ C 304 of 13.12.2003.

JUDGMENT OF THE COURT

(Third Chamber)

of 28 April 2005

in Case C-31/04: Commission of the European Communities v Kingdom of Spain (⁽¹⁾)

(Failure by a Member State to fulfil its obligations — Directive 2001/29/EC — Harmonisation of certain aspects of copyright and related rights in the information society — Failure to transpose within the period prescribed)

(2005/C 171/05)

(Language of the case: Spanish)

In Case C-31/04: Commission of the European Communities (Agents: K. Banks and F. Castillo de la Torre) v Kingdom of Spain (Agent: M. Muñoz Pérez) — Action for failure to fulfil obligations under Article 226 EC, brought on 29 March 2004 — the Court (Third Chamber), composed of A. Rosas, President of the Chamber, A. Borg Barthet, A. La Pergola, J. Malenovský (Rapporteur) and A. Ó. Caoimh, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, gave a judgment on 28 April 2005, in which it:

1. Declares that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, the Kingdom of Spain has failed to fulfil its obligations under that directive

2. Orders the Kingdom of Spain to pay the costs

(⁽¹⁾) OJ C 71 of 20.03.2004.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 12 May 2005

in Case C-42/04: Reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven in Maatschap J. B. en R. A. M. Elshof v Minister van Landbouw, Natuur en Voedselkwaliteit (⁽¹⁾)

(Foot and mouth disease — Regulation (EC) No 1046/2001 — Grant of aid for the delivery of animals destined for rendering — Upper limit of aid determined on the basis of the average weight of animals per batch)

(2005/C 171/06)

(Language of the case: Dutch)

In Case C-42/04: reference for a preliminary ruling under Article 234 EC from the College van Beroep voor het bedrijfsleven (Netherlands), made by decision of 23 January 2004, received at the Court on 3 February 2004, in the proceedings between Maatschap J. B. en R. A. M. Elshof and Minister van Landbouw, Natuur en Voedselkwaliteit — the Court (Fourth Chamber), composed of K. Lenaerts (Rapporteur), President of the Chamber, N. Colneric and E. Levits, Judges; M. Poiares Maduro, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 12 May 2005, the operative part of which is as follows: