

Sixth Chamber

Mr La Pergola

Mr Puissochet

Mr von Bahr

Mr Borg Barthet

Mr Lohmus

Mr Ó Caoimh

1. Declares that, in failing to take all of the measures necessary to ensure a correct transposition and application of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Ireland has failed to comply with its obligations under Article 7 of that directive;

2. Dismisses the remainder of the action;

3. Orders Ireland to pay the costs.

(¹) OJ C 261 of 26.10.2002.

Appointment of the First Advocate General

(2005/C 281/03)

Pursuant to the third subparagraph of Article 10(1) of the Rules of Procedure, the Court of Justice has appointed, for a period of one year from 7 October 2005, Ms Stix-Hackl as First Advocate General.

JUDGMENT OF THE COURT

(Second Chamber)

of 2 June 2005

in Case C-282/02: Commission of the European Communities v Ireland (¹)

(Failure of a Member State to fulfil obligations — Water pollution — Directive 76/464/EEC)

(2005/C 281/04)

(Language of the case: English)

In Case C-282/02, action under Article 226 EC for failure to fulfil obligations, brought on 31 July 2002, **Commission of the European Communities** (Agent: M. Shotter) v **Ireland** (Agent: D.J. O'Hagan, assisted by A.M. Collins, lawyer) the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, R. Silva de Lapuerta, C. Gulmann, J. Makarczyk and P. Kūris, Judges; M. Poiares Maduro, Advocate General; R. Grass, Registrar, gave a judgment on 2 June 2005, in which it:

JUDGMENT OF THE COURT

(Second Chamber)

of 8 September 2005

in Case C-191/03 (Reference for a preliminary ruling from the Labour Court): North Western Health Board v Margaret McKenna (¹)

(Equal pay for men and women — Illness arising prior to maternity leave — Pregnancy-related illness — Person subject to the general sick-leave scheme — Effect on pay — Absence offset against the maximum total number of days of paid sick leave over a specified period)

(2005/C 281/05)

(Language of the case: English)

In Case C-191/03: reference for a preliminary ruling under Article 234 EC from the Labour Court (Ireland), made by decision of 14 April 2003, received at the Court on 12 May 2003, in the proceedings pending before that court between North Western Health Board and Margaret McKenna — the Court (Second Chamber) composed of: C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur) and R. Schintgen, Judges; P. Léger, Advocate General, L. Hewlett, Principal Administrator, for the Registrar, gave a judgment on 8 September 2005, the operative part of which is as follows:

1. A sick-leave scheme which treats identically female workers suffering from a pregnancy-related illness and other workers suffering from an illness that is unrelated to pregnancy comes within the scope of 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.