

JUDGMENT OF THE COURT

(Sixth Chamber)

of 27 October 2005

in Case C-377/04: **Commission of the European Communities v Republic of Austria** ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 1999/92/EC — Protection of workers — Risk from explosive atmospheres — Failure to transpose within the prescribed period)

(2005/C 330/11)

(Language of the case: German)

In Case C-377/04 **Commission of the European Communities** (Agents: D. Martin and V. Kreuzschitz) v **Republic of Austria** (Agent: C. Pesendorfer) — action under Article 226 EC for failure to fulfil obligations, brought on 2 September 2004 — the Court (Sixth Chamber), composed of J. Malenovský, President of the Chamber, A. Borg Barthet (Rapporteur) and U. Löhmus, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, gave a judgment on 27 October 2005, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to implement fully Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), the Republic of Austria has failed to fulfil its obligations under that directive;
2. Orders the Republic of Austria to pay the costs.

⁽¹⁾ OJ C 262 of 23.10.2004.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 27 October 2005

in Case C-23/05: **Commission of the European Communities v Grand Duchy of Luxembourg** ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2000/34/EC — Working conditions — Organisation of working time — Failure to transpose within the prescribed period)

(2005/C 330/12)

(Language of the case: French)

In Case C-23/05: **Commission of the European Communities** (Agents: G. Rozet and N. Yerrell) v **Grand Duchy of Luxembourg** (Agent: S. Schreiner) — action under Article 226 EC for failure to fulfil obligations, brought on 25 January 2005 — the Court (Sixth Chamber), composed of J.-P. Puissech, acting for the President of the Sixth Chamber, S. von Bahr and A. Borg Barthet (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, gave a judgment on 27 October 2005, in which it:

1. Declares that, by failing to bring into force the laws, regulations and administrative provisions, except as regards those to be adopted in respect of doctors in training, necessary to comply with Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that directive, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 2(1) of that directive;
2. Dismisses the remainder of the action;
3. Orders the Grand Duchy of Luxembourg to pay the costs.

⁽¹⁾ OJ C 82 of 02.04.2005.