

1. Declares that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions, 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 106 of 30.04.2005

JUDGMENT OF THE COURT

(Fifth Chamber)

of 17 November 2005

in Case C-131/05: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland (¹)

(Failure by a Member State to fulfil its obligations — Directives 79/409/EEC and 92/43/EEC)

(2006/C 36/35)

(Language of the case: English)

In Case C-131/05, action for failure to fulfil obligations brought on 21 March 2005 pursuant to Article 226 EC, **Commission of the European Communities** (Agent: M. van Beek, assisted by F. Louis and A. Capobianco, lawyers) v **United Kingdom of Great Britain and Northern Ireland** (Agent: S. Nwaokolo) — the Court (Fifth Chamber Chamber), composed of R. Schintgen, acting for the President of the Fifth Chamber, R. Silva de Lapuerta and J. Klučka (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, gave a judgment on 17 November 2005, the operative part of which is as follows:

1. By not adopting, within the prescribed period, all the measures necessary to comply with Article 6(1) of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and with Article 12(2) and Article 13(1), both read in conjunc-

tion with Article 2(1), of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under these Directives.

2. The United Kingdom of Great Britain and Northern Ireland is ordered to pay the costs.

(¹) OJ C 132 of 28.5.2005.

ORDER OF THE COURT

(Sixth Chamber)

of 27 October 2005

in Case C-234/05: Reference for a preliminary ruling from the Hof van beroep te Brussel in Minister van Sociale Zaken, Staatssecretaris voor volksgezondheid v BVBA De Backer (¹)

(Preliminary references — Not admissible)

(2006/C 36/36)

(Language of the case: Dutch)

In Case C-234/05: reference for a preliminary ruling under Article 234 EC from the Hof van beroep te Brussel (Belgium), made by decision of 25 May 2005, received at the Court on 27 May 2005, in the proceedings between Minister van Sociale Zaken, Staatssecretaris voor volksgezondheid and BVBA De Backer — the Court (Sixth Chamber), composed of J. Malenovský, President of the Chamber, A. La Pergola (Rapporteur) and J.-P. Puissochet, Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, made an order on 27 October 2005, the operative part of which is as follows:

The reference for a preliminary ruling made by the Hof van beroep te Brussel by decision of 25 May 2005 is inadmissible.

(¹) OJ C 205 of 20.8.2005