

**Judgment of the Court (Sixth Chamber) of 23 February 2006 — Commission of the European Communities v Ireland**

(Case C-46/05) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2000/79/EC — Working conditions — Organisation of working time — Mobile workers in civil aviation — Failure to transpose within the prescribed period)*

(2006/C 131/42)

Language of the case: English

**Parties**

*Applicant:* Commission of the European Communities (represented by: N. Yerrell, Agent)

*Defendant:* Ireland (represented by: D. O'Hagan, Agent)

**Re:**

Failure of a Member State to fulfil obligations — Failure to transpose, within the prescribed period, Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) (OJ 2000 L 302, p. 57)

**Operative part of the judgment**

1. By failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA), Ireland has failed to fulfil its obligations under that directive;
2. Ireland is ordered to pay the costs.

<sup>(1)</sup> OJ C 93, 16.04.2005.

**Judgment of the Court (First Chamber) of 23 February 2006 (reference for a preliminary ruling from the Bundesgerichtshof) — Siemens AG v Gesellschaft für Visualisierung und Prozeßautomatisierung mbH (VIPA)**

(Case C-59/05) <sup>(1)</sup>

*(Approximation of laws — Directives 84/450/EEC and 97/55/EC — Comparative advertising — Taking unfair advantage of the reputation of a distinguishing mark of a competitor)*

(2006/C 131/43)

Language of the case: German

**Referring court**

Bundesgerichtshof (Germany)

**Parties to the main proceedings**

*Applicant:* Siemens AG

*Defendant:* VIPA Gesellschaft für Visualisierung und Prozeßautomatisierung mbH

**Re:**

Reference for a preliminary ruling — Bundesgerichtshof — Interpretation of Article 3a(1)(g) of Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising (OJ 1984 L 250, p. 17), as inserted by Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997 (OJ 1997 L 290, p. 18) — Comparative advertising — Products sold under reference to what are essentially the product order numbers of a competitor

**Operative part of the judgment**

Article 3a(1)(g) of Council Directive 84/450/EEC of 10 September 1984 concerning misleading and comparative advertising, as amended by Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997, must be interpreted as meaning that, in circumstances such as those in the main proceedings, by using in its catalogues the core element of a manufacturer's distinguishing mark which is known in specialist circles, a competing supplier does not take unfair advantage of the reputation of that distinguishing mark.

<sup>(1)</sup> OJ C 82, 2.4.2005.