

Operative part:

The Court:

1. Joins Cases C-12/03 P-DEP and C-13/03 P-DEP for the purposes of the order;
2. Fixes the total amount of the costs to be reimbursed by the European Commission to Tetra Laval BV at EUR 124 000.

**Judgment of the Court (Fifth Chamber) of 20 May 2010 —
Commission v Spain**

(Case C-158/09)

(Failure of a Member State to fulfil obligations — Directive 2003/88/EC —
Organisation of working time — Non-civilian personnel in public authorities —
Failure to transpose within the prescribed period)

*Actions for failure to fulfil obligations — Examination of the merits by the Court —
Situation to be taken into consideration — Situation on expiry of the period laid down
in the reasoned opinion (Art. 226 EC; European Parliament and Council Directive
2003/88) (see paras 7-10)*

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 1(3) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9) and Article 18(a) of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18) maintained by Article 27(1) of Directive 2003/88, in conjunction with Annex I, Part B, of the same directive — Non-civilian personnel in public authorities.

Operative part:

The Court:

1. Declares that, by failing to adopt within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, in respect of non-civilian personnel in public authorities, the Kingdom of Spain has failed to fulfil its obligations under Article 1(3) of that directive;
2. Orders the Kingdom of Spain to pay the costs.