

3. *Agriculture — Common agricultural policy — Integrated administration and control system for certain aid schemes (Commission Regulation No 3887/92, amended by Regulation No 2801/1999, Art. 9) (see paras 84-89)*

Re:

Partial annulment of Commission Decision 2003/102/EC of 14 February 2003 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2003) 500) (OJ 2003 L 42, p. 47) — Checks in the arable crops sector — Case of the Land of Brandenburg

Operative part:

The Court:

1. Dismisses the action;
2. Orders the Federal Republic of Germany to pay the costs.

**Judgment of the Court (Second Chamber) of 12 January 2006 —
*Commission v Spain***

(Case C-132/04)

(Failure of a Member State to fulfil obligations — Social policy — Protection of the safety and health of workers — Directive 89/391/EEC — Scope — Non-civilian personnel in public authorities — Armed forces and police — Included)

1. *Social policy — Protection of the safety and health of workers — Directive 89/391 on the introduction of measures to encourage improvements in the safety and health of workers at work (Council Directive 89/391, Arts 2(1), (2) and 4 (see paras 22, 26, 40)*
2. *Acts of the institutions — Directives — Implementation by Member States (Art. 249, third para., EC) (see para. 35)*
3. *Action for failure to fulfil obligations — Examination of 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) (see para. 37)*

Re:

Failure of a Member State to fulfil obligations — Incomplete transposition of Article 2(1) and (2) and Article 4 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ 1989 L 183, p. 1) — Non-civilian personnel in public authorities — Scope of Directive 89/391

Operative part:

The Court:

1. Declares that, by failing to transpose in their entirety into its national legislation Article 2(1) and (2) and Article 4 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, as regards non-civilian personnel in public authorities, the Kingdom of Spain has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Spain to pay the costs.