

It is contrary to Article 39 EC for a Member State to refuse to grant a tideover allowance to a national of another Member State seeking his first employment, who is not the dependent child of a migrant worker residing in the Member State granting the allowance, on the sole ground that he completed his secondary education in another Member State.

(<sup>1</sup>) OJ C 201 of 07.08.2004.

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 20 October 2005

**in Case C-505/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland** (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 2001/19/EC — Mutual recognition of diplomas, certificates and other qualifications — Nurse, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor — Failure to transpose within the period prescribed — Gibraltar)*

(2005/C 315/12)

(Language of the case: English)

In Case C-505/04, Commission of the European Communities (Agent: H. Støvlbæk) v United Kingdom of Great Britain and Northern Ireland (Agent: S. Nwaokolo) — action under Article 226 EC for failure to fulfil obligations, brought on 8 December 2004 — the Court (Sixth Chamber), composed of J.-P. Puissochet, acting for the President of the Sixth Chamber, President of the Chamber, S. von Bahr and A. Borg Barthet (Rapporteur), Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 20 October 2005, in which it:

1. Declares that, by failing to adopt, so far as Gibraltar is concerned, the laws, regulations and administrative provisions necessary to comply with Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care,

dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;

2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

(<sup>1</sup>) OJ C 31, 05.02.2005.

## JUDGMENT OF THE COURT

(Fourth Chamber)

of 20 October 2005

**in Case C-70/05: Commission of the European Communities v Grand Duchy of Luxembourg** (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 2000/78/EC — Equal treatment in employment and occupation — Failure to transpose within the prescribed period)*

(2005/C 315/13)

(Language of the case: French)

In Case C-70/05 **Commission of the European Communities** (Agent: D. Martin) v **Grand Duchy of Luxembourg** (Agent: S. Schreiner) — action under Article 226 EC for failure to fulfil obligations — the Court (Fourth Chamber), composed of N. Colneric (Rapporteur), acting as President of the Chamber, K. Lenaerts and E. Juhász, Judges; L. A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 20 October 2005, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, 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.

(<sup>1</sup>) OJ C 82 of 02.04.2005