Order of the Court (Fifth Chamber) of 17 March 2011 – Baumann

(Case C-309/07 INT)

(Procedure — Application for interpretation — Inadmissibility)

Procedure — Interpretation of a judgment — Application for interpretation of a preliminary ruling — Inadmissibility (Statute of the Court of Justice, Art. 43; Rules of Procedure of the Court of Justice, Art. 92(1)) (see paras 5, 8)

Re:

Application for interpretation of a preliminary ruling given by the Court of Justice, on 19 March 2009, in Case C-309/07 *Baumann*.

Operative part

1. The application for interpretation is dismissed.

2. Baumann GmbH is ordered to bear its own costs.

Judgment of the Court (Fifth Chamber) of 17 March 2011 – Commission v Poland

(Case C-326/09)

(Failure of a Member State to fulfil obligations — Directive 2004/113/EC — Social policy — Equal treatment between men and women — Access to and supply of goods and services — Failure to transpose within the prescribed period)

1. *Actions for failure to fulfil obligations — Proof of failure — Burden of proof on Commission (Art. 258 TFEU) (see para. 18)*

2. *Acts of the institutions — Directives — Implementation by Member States — Transposition of a directive without legislative action (Art. 288(3) TFEU) (see para. 22)*

3. *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. 258 TFEU)*

Re:

Failure of a Member State to fulfil obligations – Failure to adopt or communicate, within the prescribed period, the provisions necessary to comply with Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ 2004 L 373, p. 37).

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, the Republic of Poland failed to fulfil its obligations under that directive;

2. Orders the Republic of Poland to pay the costs.