Judgment of the Court (Second Chamber) of 23 February 2006 — Commission v Spain

(Case C-205/04)

(Failure of a Member State to fulfil obligations — Freedom of movement for workers — Post in the public service — Failure to take account of seniority and professional experience acquired in the public service of other Member States — Article 39 EC — Article 7 of Regulation (EEC) No 1612/68)

Freedom of movement for workers — Workers — Equal treatment (Art. 39 EC; Council Regulation No 1612/68, Art. 7) (see paras 14-19, operative part)

Re:

Failure by a Member State to fulfil obligations — Article 39 EC and Article 7 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ English Special Edition, 1968 (II), p. 475) — Access to the Spanish civil service — Obligation to recognise, for financial purposes, periods of employment by Community citizens in the civil service of another Member State

Operative part:

The Court:

1. Declares that, by failing to adopt legislative provisions which expressly provide, in respect of the Spanish civil service, for account to be taken, for financial purposes, of previous periods of employment in the public service of another Member State, the Kingdom of Spain has failed to fulfil its

obligations under Article 39 EC and Article 7 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community;

2. Orders the Kingdom of Spain to pay the costs.

Judgment of the Court (Sixth Chamber) of 23 February 2006 — Commission v United Kingdom

(Case C-455/04)

(Failure of a Member State to fulfil obligations — Directive 2001/55/EC — Asylum policy — Mass influx of displaced persons — Temporary protection — Minimum standards — Failure to transpose the directive within the prescribed period)

Actions 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. 5)

Re:

Failure of a Member State to fulfil obligations — Failure to transpose within the prescribed period Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ 2001 L 212, p. 12)