

general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (OJ 2001 L 206, p. 1).

Operative part

The Court

1. Declares that, by failing to adopt all the laws, regulations and administrative provisions necessary to transpose Articles 1 to 4 and 9 to 13 of Directive 2001/19/EC of the European Parliament and of the Council 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 on the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor, the French Republic has failed to fulfil its obligations under that directive;
2. Orders the French Republic to pay the costs.

Order of the Court (Fifth Chamber) of 13 June 2006 — Mancini v Commission

(Case C-172/05 P)

(Appeal — Officials — Post of medical officer — Notice of vacancy — Comparative examination of merits — Composition of the selection board — Appeal in part manifestly inadmissible and in part manifestly unfounded)

1. *Appeal — Grounds — Incorrect assessment of the facts — Whether admissible — Review by the Court of Justice of the assessment of the facts — Excluded except in the case of disortion of the facts (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.) (see paras 17-18)*
2. *Procedure — Introduction of new pleas in law in the course of the proceedings (Rules of Procedure of the Cour of Justice, Arts 42(2) and 118) (see para. 20)*
3. *Appeal — Grounds — Contradictory reasoning — Whether admissible (see para. 25)*
4. *Procedure — Duty of the court to respect the context of the dispute as defined by the parties (see para. 41)*

Re:

APPEAL brought against the judgment of the Court of First Instance (Fourth Chamber) of 3 February 2005 in Case T-137/03 *Mancini v Commission*, by which the Court of First Instance dismissed an application, first, for annulment of the Commission's decision not to appoint the applicant to the post of medical officer at the 'Medical Service — Brussels' unit and of the decision to appoint another candidate to that post and, secondly, for damages.

Operative part

The Court

1. Dismisses the appeal;

2. Orders the appellant to pay the costs.

**Judgment of the Court (Third Chamber) of 15 June 2006 —
Commission v Sweden**

(Case C-459/04)

(Failure of a Member State to fulfil obligations — Social policy — Protection of the safety and health of workers — Directive 89/391/EEC — Capabilities and aptitudes of persons designated to carry out activities related to protection against and prevention of occupational hazards in undertakings)

1. *Acts of the institutions — Directives — Implementation by the Member States (Art. 249, third para., EC) (see paras 32-34)*
2. *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, Art. 7(5) and (8)) (see paras 36-47)*

Re:

Failure of a Member State to fulfil obligations — Incomplete transposition of Article 7(8) 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