

- a Turkish worker who does not yet enjoy the right of free access to any paid employment of his choice under that third indent must be in legal employment without interruption in the host Member State unless he can rely on a legitimate reason of the type laid down in Article 6(2) to justify his temporary absence from the labour force;
- Article 6(2) of Decision No 1/80 covers interruptions in periods of legal employment, such as those at issue in the main proceedings, and the relevant national authorities cannot, in this case, dispute the right of the Turkish worker concerned to reside in the host Member State.

(<sup>1</sup>) OJ C 200 of 23.08.2003.

2. The Comunità Montana della Valnerina shall pay the costs of the appeal;
3. The Commission of the European Communities shall pay the costs of the cross-appeal.

(<sup>1</sup>) OJ C 200 of 23.08.2003.

## JUDGMENT OF THE COURT

(Third Chamber)

of 19 January 2006

in Case C-240/03 P: *Comunità montana della Valnerina v Commission of the European Communities* (<sup>1</sup>)

*(Appeal — EAGGF — Withdrawal of financial aid — Article 24 of Regulation (EEC) No 4253/88 — Principle of proportionality — Statement of reasons — Rights of the defence — Cross-appeal — Designation of two persons to be responsible for the execution of a project — Claim on only one of them for repayment of all the aid — Discretionary power of the Commission — Objective limits of the proceedings before the Court of First Instance)*

(2006/C 60/03)

(Language of the case: Italian)

In Case C-240/03 P: APPEAL under Article 56 of the Statute of the Court of Justice brought on 28 May 2003, by Comunità montana della Valnerina, (Avvocati: P. De Caterini, E. Cappelli and A. Bandini), the other parties to the proceedings being: Commission of the European Communities (Agents: C. Cattabriga and L. Visaggio, assisted by Avvocato A. Dal Ferro), and Italian Republic (Agent: I.M. Braguglia, assisted by Avvocato G. Aiello), the Court (Third Chamber), composed of A. Rosas, President of the Chamber, J. Malenovský, S. von Bahr, A. Borg Barthet and A. Ó Caoimh (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, gave a judgment on 19 January 2006, in which it ruled:

1. The appeal and cross-appeal are dismissed;

## JUDGMENT OF THE COURT

(First Chamber)

of 19 January 2006

in Case C-330/03: Reference for a preliminary ruling from the Tribunal Supremo: *Colegio de Ingenieros de Caminos, Canales y Puertos v Administración del Estado* (<sup>1</sup>)

*(Freedom of movement for workers — Recognition of diplomas — Directive 89/48/EEC — Profession of engineer — Partial, restricted recognition of professional qualifications — Articles 39 EC and 43 EC)*

(2006/C 60/04)

(Language of the case: Spanish)

In Case C-330/03: Reference for a preliminary ruling under Article 234 EC from the Tribunal Supremo (Spain), made by decision of 21 July 2003, received at the Court on 29 July 2003, in the proceedings *Colegio de Ingenieros de Caminos, Canales y Puertos v Administración del Estado*, concerning **Giuliano Mauro Imo**, the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Schiemann, N. Colneric, E. Juhász and E. Levits (Rapporteur), Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 19 January 2006, in which it ruled as follows:

1. When the holder of a diploma awarded in one Member State applies for permission to take up a regulated profession in another Member State, the competent authorities of that Member State are not precluded by Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration from partly allowing that application, if the holder of the diploma so requests, by limiting the scope of the permission to those activities which that diploma allows to be taken up in the Member State in which it was obtained.