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

(OJ 1989 L 183, p. 1) — Definitions of capabilities and aptitudes of workers designated by the employer to carry out activities related to protection against and prevention of occupational hazards in undertakings.

Operative part

The Court

1. Dismisses the action;

2. Orders the Commission of the European Communities and the Kingdom of Sweden to pay their own costs.

Judgment of the Court (Second Chamber) of 15 June 2006 — Commission v Finland

(Case C-249/05)

(Failure of a Member State to fulfil obligations — Articles 28 EC and 49 EC — Sixth VAT Directive — Articles 21 and 22 — Obligation for a taxable person who is established in a Member State other than the one where he carries out taxable transactions to appoint a tax representative who is not directly liable to pay VAT)

Tax provisions — Harmonisation of laws — Turnover taxes — Common system of value added tax — Persons liable to pay the tax (Council Directive 77/388, Arts 21 and 22) (see para. 56, operative part)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 28 EC and 49 EC and Articles 21 and 22 of Directive 77/388/EEC: Sixth Council Directive of