Operative part

The Court:

1. Declares that, by failing to apply the provisions on public lending right provided for in Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Articles 1 and 5 of that directive;

2. Orders the Grand Duchy of Luxembourg to pay the costs.

Order of the Court (Sixth Chamber) of 27 April 2006 — L v Commission

(Case C-230/05 P)

(Appeal — Officials — Harassment — Commission's duty to provide assistance — Liability — Refusal by the Court of First Instance to allow the examination of witnesses — Offer of supplementary evidence which did not exist at the closing of the written procedure — Refusal to withdraw an allegedly defamatory document from the file — Obligation to provide reasons — Principal of sound administration — Appeal in part manifestly unfounded and in part manifestly inadmissible)

1. *Appeal — Grounds — Incorrect assessments of the facts — Inadmissible — Review by the Court of Justice of the assessment of the evidence — Excluded except in cases of distortion (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see paras 45-46)*

2. *Procedure — Measures of inquiry (Rules of Procedure of the Court of First Instance, Art. 66(1) (see para. 47)*

3. *Appeal — Grounds — Inadequate or contradictory grounds — Whether admissible (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see para. 53)*

4. *Procedure — Measures of organisation of procedure (Rules of Procedure of the Court of First Instance, Arts 49 and 64(3)(d)) (see paras 67-68)*

5. *Appeal — Grounds — Ground put forward for the first time in the appeal — Inadmissible (Rules of Procedure of the Court, Arts 42(2), and 118) (see para. 99)*

Re:

Appeal against the judgment of the Court of First Instance (Fourth Chamber) of 9 March 2005 in Case T-254/02 *L* v *Commission*, dismissing, first, the action for annulment of the decisions of the Commission rejecting the request for assistance, access to documents and compensation and refusing to recognise an occupational disease and, second, the claim for damages for the loss suffered as a result of those decisions.

Operative part

The Court:

1. Dismisses the appeal;

2. Orders the applicant to pay the costs.