

In support of its action, the applicant puts forward the following pleas for annulment.

1. First, misappraisal on the part of the Commission, in relation to adoption by the Hellenic Republic of the measures necessary to comply with the judgment of the Court of Justice

The Hellenic Republic submits that the defendant appraised and interpreted incorrectly the measures adopted by the Hellenic Republic to comply with the Court of Justice's judgment. The Hellenic Republic maintains that it has taken all the necessary measures to comply with the Court of Justice's judgment in adopting Law 4002/2011 by which the contested articles of Law 3037/2002 are repealed, in pursuance of the judgment of the Court of Justice in Case C-65/05.

2. Second, exceeding by the Commission of its power

The Hellenic Republic exceeded the limits of its mandate as guardian of the Treaty, since it did not confine itself, as required of it, to establishing whether or not measures for compliance were clearly carried out. Furthermore, it went beyond the limits of the Court of Justice's judgments, given that the Hellenic Republic complied fully with those judgments.

3. Third, deficiency of reasoning on the part of the Commission

In its decision contested by the Hellenic Republic, the Commission did not explain, and did not set out expressly, the reasons for which it sought the continued making of the

penalty payment for the period after the adoption of Law 4002/2011, that is to say, from 22 August 2011 until 30 November 2011.

The Hellenic Republic disputes that additional sum since it considers that it complied fully with the judgments of the Court of Justice once that law was promulgated.

4. Fourth, incorrect use of legal basis

The Hellenic Republic submits that, if the Commission considered that Law 4002/2001 was not being applied correctly by the Hellenic Republic, it had to use Article 258 TFEU and initiate a fresh infringement procedure, and not require continued making of the penalty payment.

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**Order of the General Court of 19 March 2012 — Poland v Commission**

**(Case T-101/10) <sup>(1)</sup>**

(2012/C 133/55)

*Language of the case: Polish*

The President of the Sixth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> C 113, 1.5.2010.