

2. *On a proper construction of the Combined Nomenclature, as established by Annex I to Commission Regulation (EEC) No 2551/93 of 10 August 1993 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, such goods are to be classified under the heading which occurs last in numerical order, namely subheading 6212 10 00.*

(¹) OJ C 145, 18.5.1996.

Action brought on 11 November 1997 by the Commission of the European Communities against the Hellenic Republic

(Case C-385/97)

(98/C 55/27)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 11 November 1997 by the Commission of the European Communities, represented by Maria Kondou-Durande, of its Legal Service, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

— declare that, by failing to adopt within the time-limit laid down the laws, regulations and administrative provisions necessary in order to comply with:

— Council Directive 93/118/EC (¹) of 22 December 1993 amending Directive 85/73/EEC (²) on the financing of health inspections and controls of fresh meat and poultrymeat, and

— Commission Directive 94/59/EC (³) of 2 December 1994 amending for the third time the Annexes to Council Directive 77/96/EEC (⁴) on the examination for trichinae (*trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine,

the Hellenic Republic has failed to fulfil its obligations under the Treaty and those Directives,

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments adduced in support:

Under the third paragraph of Article 189 of the EC Treaty, directives are binding, as to the result to be achieved, upon each Member State to which they are addressed. Under the first paragraph of Article 5 of the Treaty, Member States are to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty or resulting from actions taken by the institutions of the Community.

The Commission notes that the Hellenic Republic has not yet adopted the appropriate measures to incorporate the directives at issue fully into the Greek legal order.

(¹) OJ L 340, 31.12.1993, p. 15.

(²) OJ L 32, 5.2.1985, p. 14.

(³) OJ L 315, 8.12.1994, p. 18.

(⁴) OJ L 26, 31.1.1977, p. 67.

Action brought on 19 November 1997 by Glasoltherm Sarl against the Commission of the European Communities

(Case C-399/97)

(98/C 55/28)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 19 November 1997 by Glasoltherm Sarl, represented by Mr Penciolelli, lawyer, of 18 Avenue de la Libération, 91130 Ris Orangis (France).

Glasoltherm Sarl claims that the Court should:

— order the Commission of the European Communities to support by all means, including the provision of financial assistance, over a period of 10 years from the date of entry into industrial service of the two demonstration operations referred to, the action taken by a commercial company formed by Glasoltherm Sarl to market Glasoltherm thermoelectric micro-heating technology in the European Community,

— order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments adduced in support:

The pleas in law and main arguments are the same as in Case C-388/96 (¹).

(¹) OJ C 40, 8.2.1997, p. 11.

OJ C 295, 27.9.1997, p. 9.

Action brought on 4 December 1997 by the Commission of the European Communities against the Kingdom of the Netherlands

(Case C-408/97)

(98/C 55/29)

An action against the Kingdom of the Netherlands was brought before the Court of Justice of the European