

1999), compatible with Articles 11 and 12 of Directive 69/335/EEC⁽¹⁾, in so far as they provide for a charge, payable to the Comissão do Mercado de Valores Mobiliários, for over-the-counter transactions involving securities which varies according to the value of the transaction without upper limits?

(¹) Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital. OJ L 249 of 3.10.1969, p. 25.

It is not disputed by the Hellenic Republic that it must adopt measures to comply with the abovementioned directive.

The Commission records that until now the Hellenic Republic has not adopted the appropriate measures for the full incorporation of the directive into Greek law.

(¹) OJ L 127 of 9.5.2001, p. 38.

Action brought on 9 October 2002 by the Commission of the European Communities against the Hellenic Republic

(Case C-364/02)

(2002/C 289/31)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 9 October 2002 by the Commission of the European Communities, represented by Maria Kondou-Durande, Legal Adviser in its Legal Service.

The Commission claims that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2001/32/EC⁽¹⁾ of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC, the Hellenic Republic has failed to fulfil its obligations under Article 3(1) of that directive;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

In accordance with the third paragraph of Article 249 EC, 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 10 EC, 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 action taken by the institutions of the Community.

Action brought on 14 October 2002 by the Commission of the European Communities against the Hellenic Republic

(Case C-369/02)

(2002/C 289/32)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 14 October 2002 by the Commission of the European Communities, represented by Maria Kondou-Durande, Legal Adviser in its Legal Service.

The Commission claims that the Court should:

- declare that, by failing to adopt within the time-limit laid down the laws, regulations and administrative provisions necessary to comply with Commission Directive 2001/33/EC⁽¹⁾ of 8 May 2001 amending certain annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, the Hellenic Republic has failed to fulfil its obligations under Article 2 of that directive;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

In accordance with the third paragraph of Article 249 EC, 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 10 EC, 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 action taken by the institutions of the Community.

It is not disputed by the Hellenic Republic that it must adopt measures to comply with the abovementioned directive.

The Commission records that until now the Hellenic Republic has not adopted the appropriate measures for the full incorporation of the directive into Greek law.

(¹) OJ L 127 of 9.5.2001, p. 42.

Removal from the register of Case C-141/01 P (¹)

(2002/C 289/33)

By order of 24 July 2002 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-141/01 P: *Confederazione Generale dell'Industria Italiana (Confindustria) and Others v Commission of the European Communities*.

(¹) OJ C 186 of 30.6.2001.

Removal from the register of Case C-295/01 (¹)

(2002/C 289/34)

By order of 24 July 2002 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-295/01 (Referral for a preliminary ruling by the *Giudice di pace di Casale Monferrato*): *Fontaneto Industria Alimentare Srl v ASL No 21 — Dipartimento di Prevenzione Servizio Igiene Alimenti e Nutrizione*.

(¹) OJ C 289 of 13.10.2001.

Removal from the register of Case C-335/01 (¹)

(2002/C 289/35)

By order of 23 September 2002 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-335/01: *Commission of the European Communities v French Republic*.

(¹) OJ C 317 of 10.11.2001.

Removal from the register of Case C-43/02 (¹)

(2002/C 289/36)

By order of 29 August 2002 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-43/02 (Referral for a preliminary ruling by the *Landgericht Stuttgart*): *Landesbausparkasse Baden-Württemberg v Elisabeth Huttenlocher*.

(¹) OJ C 109 of 4.5.2002.

Removal from the register of Case C-59/02 (¹)

(2002/C 289/37)

By order of 12 July 2002 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-59/02: *Commission of the European Communities v Hellenic Republic*.

(¹) OJ C 97 of 20.4.2002.