

Action brought on 19 May 2003 by the Commission of the European Communities against the Hellenic Republic

(Case C-218/03)

(2003/C 158/32)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 19 May 2003 by the Commission of the European Communities, represented by M. Patakia, Legal Adviser, and N. Yerrell, of the 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 Council Directive 97/80/EC⁽¹⁾ of 15 December 1997 on the burden of proof in cases of discrimination based on sex, or in any event by failing to communicate such provisions, the Hellenic Republic has failed to fulfil its obligations under that directive;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

Under the third paragraph of Article 249 of the Treaty establishing the European Community, a directive is to be binding, as to the result to be achieved, on each Member State to which it is addressed.

Under the first paragraph of Article 10 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 action taken by the institutions of the Community.

The Hellenic Republic has not contested the fact that it must take measures to comply with the above-mentioned directive.

The Commission has ascertained that the Hellenic Republic has not as yet taken appropriate measures to incorporate the directive in question fully into the Greek legal system.

⁽¹⁾ OJ L 14, 20.1.1998, p. 6.

Removal from the register of Case C-339/01⁽¹⁾

(2003/C 158/33)

By order of 19 March 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-339/01 (Reference for a preliminary ruling by the Unabhängiger Verwaltungssenat of the Land Vorarlberg): Kurt Beck.

⁽¹⁾ OJ C 3, 05.01.2002.

Removal from the register of Case C-343/01⁽¹⁾

(2003/C 158/34)

By order of 19 March 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-343/01 (Reference for a preliminary ruling by the Unabhängiger Verwaltungssenat of the Land Vorarlberg): Christian Kröll.

⁽¹⁾ OJ C 3, 05.01.2002.

Removal from the register of Case C-357/01⁽¹⁾

(2003/C 158/35)

By order of 19 March 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-357/01 (Reference for a preliminary ruling by the Unabhängiger Verwaltungssenat of the Land Vorarlberg): Manfred Laaber.

⁽¹⁾ OJ C 3, 05.01.2002.