

breach of Articles 1 and 3 of Regulation No 881/92 and of Articles 1 and 6 of Regulation No 3118/93.

(<sup>1</sup>) OJ 1992 L 95, p. 1.

(<sup>2</sup>) OJ 1993 L 279, p. 1.

**Action brought on 24 July 2003 by the Italian Republic against the Commission of the European Communities**

**(Case C-324/03)**

(2003/C 226/18)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 24 July 2003 by the Italian Republic, represented by Ivo Maria Braguglia, acting as Agent, and Avvocato dello Stato Antonio Cingolo.

The applicant claims that the Court should:

- annul the memorandum from Commissioner Barnier of 14 May 2003 No 26777, received on 20 May 2003, in so far as it refuses to accept as eligible for assistance advances granted in relation to State aid by the Member States after 19 February 2003, and all measures on which it is based or with which it is connected;
- order the Commission of the European Communities to pay the costs.

*Pleas in law and main arguments*

The applicant claims that the contested act is manifestly contrary to Article 32 of Commission Regulation (EC) No 1260/1999 (<sup>1</sup>) and Rule No 1, Points 1 and 2 of the annex to Commission Regulation (EEC) No 1685/2000 (<sup>2</sup>). According to the applicant, none of the provisions of the abovementioned regulations assigns significance, for the purposes of eligibility of amounts granted to the final recipient of the funding by way of State aid, to the activities actually assisted by the funding itself. On the contrary, the system set out in the regulations in question gives significance exclusively to payments actually made by the Member State as final recipient, on the sole condition that they state exactly the expenditure actually borne by the final recipient itself.

The applicant also claims that the contested act is unlawful inasmuch as its statement of reasons is defective and contradictory.

(<sup>1</sup>) OJ 1999 L 161, p. 1.

(<sup>2</sup>) OJ 2000 L 193, p. 39.

**Action brought on 25 July 2003 by the Commission of the European Communities against the Hellenic Republic**

**(Case C-326/03)**

(2003/C 226/19)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 25 July 2003 by the Commission of the European Communities, represented by M.-J. Jonczy, of 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 Council Directive 99/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (<sup>1</sup>), and in any event by failing to inform the Commission thereof, 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*

The period within which the directive had to be transposed expired on 30 June 2002.

(<sup>1</sup>) OJ L 167, 2.7.1999, p. 33.

**Reference for a preliminary ruling by the Tribunal Supremo, Sala de lo Contencioso-Administrativo, division: three by order of that Court of 21 July 2003 in the case of Colegio de Ingenieros de Caminos, Canales y Puertos against Administración del Estado, other Party: G.M. Imo**

**(Case C-330/03)**

(2003/C 226/20)

Reference has been made to the Court of Justice of the European Communities by order of the Tribunal Supremo, Sala de lo Contencioso-Administrativo, division: three (Supreme Court, Chamber for Contentious-Administrative Proceedings) of 21 July 2003, received at the Court Registry on 29 July 2003, for a preliminary ruling in the case of Colegio de Ingenieros de Caminos, Canales y Puertos against Administración del Estado, other Party: G. M. Imo on the following questions: