

- Infringement of Article 43(3) of the Rules of Procedure of the Court of First Instance: the applicant submits that in the present case the appeal was not accepted on the grounds of alleged failure to observe the period of confirmation, rather than the procedural time-limit which was complied with by transmission of the fax.
- Infringement of Article 43(6) of the Rules of Procedure of the Court of First Instance: the applicant submits, in accordance with the principle of proportionality, that to the existing procedural time-limit, extended by ten days on account of distance, may be added ten additional days in order to validate an application and a list of annexes previously sent by fax.

Further, is the use in a bank, as a credit institution, of balances on a deposit account, funds being placed in that account, as provided for in Decision 1097/1959 of the Monetary Committee referred to in this judgment (with the proceeds of imported foreign currency, and so forth), as deposits in national currency, convertible into foreign currency, governed by Article 4 of that same directive, List D and item IX of the Nomenclature, which reads: 'Opening and placing of funds on current or deposit accounts, repatriation or use of balances on current or deposit accounts with credit institutions', as that provision stands according to its spirit and the purpose sought by that provision?

(¹) English special edition: Series I Chapter 1959-1962 p. 49.

Reference for a preliminary ruling by the Areiou Pagou by order of that Court of 31 March 2003 in the case of Trapeza tis Ellados AE against Banque Artesia

(Case C-329/03)

(2003/C 239/04)

Reference has been made to the Court of Justice of the European Communities by order of the Areiou Pagou (Supreme Court of Cassation) of 31 March 2003, received at the Court Registry on 28 July 2003, for a preliminary ruling in the case of Trapeza tis Ellados AE against Banque Artesia on the following question:

Are (a) bonds issued by a bank in the form of a limited company belonging, by virtue of its shares, to the State, with a maturity of one year from issue which are dealt in on the money market, where they are quoted, or (b) bonds issued by a bank in the form of a limited company with a maturity of one year from issue which are dealt in on the money market, where they are quoted, governed by Article 4 of the First Directive of the Council of the European Communities (921/60) (¹), List D and item VI of the Nomenclature, which reads 'Short-term investments in Treasury bills and other securities normally dealt in on the money market', as that provision stands according to its spirit and the purpose sought or is to be interpreted under a possible doctrine in international trade of common experience, to the effect that securities such as the one-year bonds in ETVA at issue constitute short-term investments?

Action brought on 29 July 2003 by the Commission of the European Communities against the Portuguese Republic

(Case C-332/03)

(2003/C 239/05)

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 29 July 2003 by the Commission of the European Communities, represented by Thomas van Rijn and Ana Maria Alves Vieira, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- 1) declare that:
 - by failing to adopt appropriate rules for the use of the quotas allocated to it for the fishing years from 1994 to 1996;
 - by failing to ensure compliance with Community legislation in the field of conservation, by means of sufficient supervision of fishing activities and adequate inspection of the fishing fleet and of the unloading and recording of catches in the fishing years 1994 to 1996;