

2. The Commission considers that the manner in which the Greek authorities interpret and apply the legislation in force effectively leads to a prohibition on the sale in general food stores (supermarkets) of 'bake-off' products that have been baked to completion or reheated, since 'bake-off' products are – mistakenly – regarded by the Greek authorities as subject to the enhanced requirements which generally apply to the preparation and baking of complete baked bread and bakery products.
3. According to the Commission, since the short final baking or the reheating outside a bakery is the specific characteristic that distinguishes 'bake-off' products from other bakery products, the application of the Greek legislation on bread-making to 'bake-off' products cannot be considered a matter relating to selling arrangements for the purpose of the judgment in and therefore falls within the scope of Article 28 of the EC Treaty.
4. The Commission also submits that most of the conditions that are imposed on the 'bake-off' method are clearly unjustified and disproportionate, since that method consists only in the short final baking or the reheating of semi-baked or fully-baked frozen bread or bakery products. In addition, the Commission considers that those conditions are exceptionally burdensome for all general stores called on to meet the specifications for bakeries.
5. The Commission therefore considers that the Hellenic Republic is infringing its obligations under Article 28 of the EC Treaty.

Action brought on 18 February 2005 by the Commission of the European Communities against the Italian Republic

(Case C-84/05)

(2005/C 93/32)

(Language of the case: Italian)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 18 February 2005 by the Commission of the European Communities, represented by M. Konstantinidis and A. Aresu, members of its legal service, acting as Agents.

The Commission claims that the Court should:

1. declare that, by failing, hitherto, to adopt the legislation necessary to apply Council Directive 96/61/EC⁽¹⁾ of 24 September 1996 concerning integrated pollution prevention and control, to new installations, has failed to fulfil its obligations under Article 21(1) thereof;
2. order the Italian Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition of the directive expired on 30 October 1999.

⁽¹⁾ OJ L 257 of 10. 10. 1996, p. 26.

Action brought on 18 February 2005 by the Commission of the European Communities against the Italian Republic

(Case C-85/05)

(2005/C 93/33)

(Language of the case: Italian)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 18 February 2005 by the Commission of the European Communities, represented by S. Pardo Quintillán and D. Recchia, acting as Agents.

The applicant claims that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2000/60/EC⁽¹⁾ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy or, in any event, by failing to communicate those provisions to the Commission, the Italian Republic has failed to fulfil its obligations under Article 24(1) of that directive;
- order the Italian Republic to pay the costs.

Pleas in law and main arguments:

The period for transposition of the directive expired on 22 December 2003.

(¹) OJ L 327 of 22.12.2000, p. 1.

Action brought on 18 February 2005 by the Commission of the European Communities against the Italian Republic

(Case C-86/05)

(2005/C 93/34)

(Language of the case: Italian)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 18 February 2005 by the Commission of the European Communities, represented by B. Schima and D. Recchia, acting as Agents.

The applicant claims that the Court should:

— declare that, by failing to adopt the provisions necessary to comply with Commission Directive 2003/32/EC (¹) of 23 April 2003 introducing detailed specifications as regards the requirements laid down in Council Directive 93/42/EEC with respect to medical devices manufactured utilising tissues of animal origin or, in any event, by failing to communicate those provisions to the Commission, the Italian Republic has failed to fulfil its obligations under Article 8(1) of that directive;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments:

The period for transposition of the directive expired on 1 January 2004.

(¹) OJ L 105 of 26.04.2003, p. 18.

Action brought on 18 February 2005 by the Commission of the European Communities against the Italian Republic

(Case C-87/05)

(2005/C 93/35)

(Language of the case: Italian)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 18 February 2005 by the Commission of the European Communities, represented by B. Schima and D. Recchia, acting as Agents.

The applicant claims that the Court should:

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2003/12/EC (¹) of 3 February 2003 on the reclassification of breast implants in the framework of Directive 93/42/EEC (²) concerning medical devices or, in any event, by failing to communicate those provisions to the Commission, the Italian Republic has failed to fulfil its obligations under Article 3(1) of that directive;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments:

The period for transposition of the directive expired on 1 August 2003.

(¹) OJ L 28 of 04.02.2003, p. 43.

(²) OJ L 169 of 12.07.1993, p. 1.

Action brought on 18 February 2005 by the Commission of the European Communities against the Republic of Finland

(Case C-88/05)

(2005/C 93/36)

(Language of the case: Finnish)

An action against the Republic of Finland was brought before the Court of Justice of the European Communities on 18 February 2005 by the Commission of the European Communities, represented by M. Huttunen and K. Simonsson, acting as Agents, with an address for service in Luxembourg.