

proceedings pending before that Court between Impresa Falciola Angelo SpA and the Municipality of Pavia — on the interpretation of Articles 5 and 177 and the third paragraph of Article 189 of the EEC Treaty — the Court, composed of O. Due, President, Sir Gordon Slynn, C.N. Kakouris, F.A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G.F. Mancini, R. Joliet, T.F. O'Higgins, J.C. Moitinho de Almeida, G.C. Rodríguez Iglesias, F. Grévisse and M. Díez de Velasco, Judges; F.G. Jacobs, Advocate-General; J.-G. Giraud, Registrar, made an order on 26 January 1990, the operative part of which is as follows:

the Court has no jurisdiction to answer the questions put by the Tribunale Amministrativo Regionale per la Lombardia.

ORDER OF THE PRESIDENT OF THE COURT
of 23 February 1990

in Case C-385/89 R: Hellenic Republic v. Commission of the European Communities

(EAGGF, Guarantee Section — Clearance of accounts)

(90/C 85/09)

(Language of the case: Greek)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-385/89 R: Hellenic Republic (Agents: C. Stavropoulos, I. Laios, M. Tsotsanis and Y. Magoulas) against the Commission of the European Communities (Agents: D. Booss, T. Christoforou and Mrs M. Patakia) — application for suspension of the operation of Commission Decision 89/627 of 15 November 1989 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1987 of the Guarantee (*) Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) — the President of the Court of Justice of the European Communities made an order on 23 February 1990, the operative part of which is as follows:

1. *there is no need to give a decision.*
2. *the costs are reserved.*

(*) OJ No L 359, 8. 12. 1989, p. 23.

Action brought on 29 December 1989 by the Hellenic Republic against the Commission of the European Communities

(Case C-385/89)

(90/C 85/10)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 29 December 1989 by the Hellenic Republic, represented by Constantinos Stavropoulos, Legal Assistant in the Department of European Community Legal Affairs at the Ministry of Foreign Affairs, Ilias Laios, Legal Assistant at the Ministry of Economic Affairs, and Meletis Tsotsanis, Legal Adviser at the Ministry of Agriculture, assisted by Yoannis Magoulas, Legal Adviser at the Ministry of Agriculture, with an address for service in Luxembourg at the Greek Embassy (177 Val Ste Croix).

The applicant claims that the Court should:

1. annul Commission Decision 89/627/EEC of 15 November 1989 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1987 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (*) as regards the sectors described in detail in the application;
2. order the Commission to pay the costs;

Contentions and main arguments adduced in support

The Hellenic Republic relies on the following main grounds for annulment:

1. breach of essential procedural requirements, or in the alternative, breach of the treaties or of the rules of Community law in general as regards the reservations expressed in the statement of grounds of the decision at issue;
2. failure to state, or inadequate statement of, the reasons on which the decision is based, breach of the Treaty or of the rules of Community law or of general principles of law, or mistake of fact;
3. breach of Council Regulation (EEC) No 729/70 (**) and misinterpretation of its provisions;
4. mistake of fact;
5. breach of the limits to the Commission's discretionary powers;
6. breach of the general principles prohibiting unlawful enrichment and protecting legitimate expectations.

The Hellenic Republic also puts forward a number of particular grounds of annulment relating to specific points of the decision at issue.

(*) OJ No L 359, 8. 12. 1989, p. 23.

(**) OJ No L 94, 28. 4. 1970, p. 13.