ORDER OF THE COURT
11 November 1987 *

In Case 4/85

Commission of the European Communities, represented by Xenophon A. Yataganas, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, Jean Monnet Building, Kirchberg,

applicant,

v

Hellenic Republic, represented by Stélios Perrakis, Legal Adviser at the Ministry of Foreign Affairs, Anna Ambariotou, a member of the Legal Department of the Greek Permanent Representative to the European Communities, Brussels, and Yiannis Drosos, Legal Adviser at the Ministry of Commerce, acting as Agents, with an address for service in Luxembourg at the Greek Embassy, 117 Val-Sainte-Croix,

defendant,

APPLICATION for a declaration that:

(1) by making the marketing in Greece of all products imported from other Member States conditional on their being labelled in the Greek language, and

(2) by prohibiting the marketing of cotton yarn imported from other Member States unless it is packed in specified quantities and specified forms,

the Hellenic Republic has failed to fulfil its obligations under Article 30 of the EEC Treaty, and that

* Language of the Case: Greek.

(3) by making the marketing of thread and yarn of every kind intended for sale to the Greek clothing industry conditional on detailed labelling in the Greek language, and

(4) by making it compulsory, for the wholesale and retail sale of textile products of all types, to attach a card label setting out information of a kind not prescribed by Council Directive No 71/307/EEC and unnecessary for protecting the consumer or ensuring fair trading,

the Hellenic Republic has failed to fulfil its obligations under the provisions of the abovementioned Directive on textile names and under Article 30 of the EEC Treaty,

THE COURT

composed of: G. Bosco, President of Chamber, acting as President, O. Due, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias (Presidents of Chambers), T. Koopmans, U. Everling, K. Bahlmann, Y. Galmot, C. Kakouris, R. Joliet and T. F. O'Higgins, Judges,

Advocate General: M. Darmon
Registrar: P. Heim

after hearing the views of the Advocate General,

makes the following

Order

By a letter received at the Court Registry on 24 September 1987, the Commission informed the Court that it was discontinuing its action, and, pursuant to the first subparagraph of Article 69 (4) of the Rules of Procedure, requested that the Hellenic Republic be ordered to pay the costs.

By a letter received at the Court Registry on 12 October 1987, the Hellenic Republic acknowledged the discontinuance of the action and requested the Court to order the parties to bear their own costs.

In its further observations, lodged at the Court Registry on 21 October 1987, the Commission points out that the discontinuance of its action was due not merely to

the amendment of Article 50 of Greek Regulation No 72/77 on the control of markets, but to the revision of all Greek legislation to comply with Directive 71/307/EEC; that is why the Commission seeks the application of the first subparagraph of Article 69 (4) of the Rules of Procedure.

According to the first subparagraph of Article 69 (4) of the Rules of Procedure, a party who discontinues or withdraws from proceedings shall be ordered to pay the costs, unless the discontinuance or withdrawal is justified by the conduct of the opposite party.

It must be held in this instance that the Commission's discontinuance of its action is justified by the conduct of the Hellenic Republic, which did not adopt until after the commencement of proceedings by the Commission the measures needed for compliance with Article 30 of the EEC Treaty and the provisions of Council Directive 71/307/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to textile names.

The Hellenic Republic should therefore be ordered to pay the costs.

On those grounds,

THE COURT

hereby orders:

(1) Case 4/85 is removed from the register of the Court;

(2) The Hellenic Republic shall pay the costs.

Luxembourg, 11 November 1987.

Acting as President

P. Heim
Registrar

G. Bosco
President of Chamber