ORDER OF THE PRESIDENT OF THE COURT
6 October 2000 *

In Case C-197/98,

Commission of the European Communities, represented by M. Patakia and B. Mongin, of its Legal Service, with an address for service in Luxembourg at the office of C. Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

applicant,

supported by

United Kingdom of Great Britain and Northern Ireland, represented by J.E. Collins, Assistant Treasury Solicitor, acting as Agent, with an address for service in Luxembourg at the British Embassy, 14 Boulevard Roosevelt,

intervener,

* Language of the case: Greek.

Hellenic Republic, represented by A. Samoni-Rantou and S. Vodina, Legal Adviser and Hearings Officer respectively in the Community Law Section of the Special Legal Department of the Ministry of Foreign Affairs, acting as Agents, with an address for service in Luxembourg at the Greek Embassy, 117 Val Sainte-Croix,

defendant,

APPLICATION for a declaration that, by not taking the necessary measures to comply with the judgment of the Court of Justice of 23 March 1995 in Case C-365/93 *Commission* v *Greece* [1995] ECR I-499 and, in particular, by failing to adopt or communicate to the Commission the laws, regulations and administrative provisions necessary to comply fully with Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16), the Hellenic Republic has failed to fulfil its obligations under Article 171 of the EC Treaty (now Article 228 EC),

THE PRESIDENT OF THE COURT

after hearing Advocate General Fennelly,

makes the following

Order

1 By application lodged at the Court Registry on 20 May 1998, the Commission of the European Communities brought an action under Article 169 of the EC Treaty (now Article 226 EC) for a declaration that, by not taking the necessary measures to comply with the judgment of the Court of Justice of 23 March 1995 in Case C-365/93 *Commission* v *Greece* [1995] ECR I-499 and, in particular, by failing to adopt or communicate to the Commission the laws, regulations and administrative provisions necessary to comply fully with Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16), the Hellenic Republic has failed to fulfil its obligations under Article 171 of the EC Treaty (now Article 228 EC).

2 By document lodged at the Court Registry on 8 August 2000, the applicant informed the Court pursuant to Article 78 of the Rules of Procedure that it wished to withdraw its application and requested the Court pursuant to the first subparagraph of Article 69(5) of the Rules of Procedure to order the Hellenic Republic to pay the costs.

3 By a letter lodged at the Court on 22 August 2000, the Greek Government stated that it had taken note of the Commission's decision to withdraw its action and informed the Court that it had no observations to make in that regard.

4 Under the first subparagraph of Article 69(5) of the Rules of Procedure, a party who discontinues or withdraws from proceedings is to be ordered to pay the costs if they have been applied for in the other party's pleadings. However, upon application by the party who discontinues or withdraws from proceedings, the costs are to be borne by the other party if this appears justified by the conduct of that party.

5 In the present case, the application and the subsequent withdrawal of the Commission were the result of the conduct of the Hellenic Republic which did not adopt the measures necessary to comply with its obligations until after the Commission brought its action.

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

7 Pursuant to the first subparagraph of Article 69(4) of the Rules of Procedure, it is appropriate to order the United Kingdom to bear its own costs.

On those grounds,

THE PRESIDENT OF THE COURT

hereby orders:

1. **Case C-197/98 is removed from the register.**

2. **The Hellenic Republic shall pay the costs.**

3. **The United Kingdom shall bear its own costs.**

Luxembourg, 6 October 2000.

R. Grass
Registrar

G.C. Rodríguez Iglesias
President