ORDER OF THE PRESIDENT OF THE SIXTH CHAMBER OF THE COURT
23 October 2002 *

In Case C-374/00,

Commission of the European Communities, represented by R. Wainwright and initially by P. Panayotopoulos, then by M. Konstantinidis, acting as Agents, with an address for service in Luxembourg,

applicant,

v

Hellenic Republic, represented by P. Skandalou and A. Samoni-Rantou, acting as Agents, with an address for service in Luxembourg,

defendant,

* Language of the case: Greek.

APPLICATION for a declaration that, by failing to adopt or, in the alternative, to notify to the Commission, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ 1997 L 73, p. 5), the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and that directive,

THE PRESIDENT OF THE SIXTH CHAMBER OF THE COURT

makes the following

Order

1 By document lodged at the Court Registry on 15 July 2002, the Commission of the European Communities informed the Court, in accordance with Article 78 of the Rules of Procedure, that it wished to withdraw its application and requested the Court to order the Hellenic Republic to pay the costs, pursuant to the first subparagraph of Article 69(5) of the Rules of Procedure.

2 By a letter lodged at the Court Registry on 20 August 2002, the Hellenic Republic took note of the decision to withdraw the action and did not put forward any claim as regards costs.

3 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 by the other party in its observations on the discontinuance or withdrawal. 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.

4 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 notify the Commission of the measures adopted to comply with its obligations until after the Commission brought its action.

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

On those grounds,

THE PRESIDENT OF THE SIXTH CHAMBER OF THE COURT

hereby orders:

1. Case C-374/00 is removed from the register.

2. The Hellenic Republic shall pay the costs.

Luxembourg, 23 October 2002.

R. Grass

Registrar

J.-P. Puissochet

President of the Sixth Chamber