ORDER OF THE COURT
16 December 1987 *

In Case 132/85

Commission of the European Communities, represented by its Legal Advisers David R. Gilmour and Dimitrios Gouloussis, acting as Agents, with an address for service in Luxembourg at the office of G. Kremlis, Jean Monnet Building, Kirchberg,

applicant,

v

Hellenic Republic, represented by Yannos Kranidiotis, Special Adviser at the Ministry of Foreign Affairs, and Loukas Stefanou, Legal Adviser at 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:

(1) by failing to adopt the national measures necessary to give effect to the provisions of the First Directive of 11 May 1960 for the implementation of Article 67 of the Treaty (Official Journal, English Special Edition 1959-62, p. 49), as amended by Directive 63/21/EEC (Official Journal, English Special Edition 1963-64, p. 5),

(2) by not giving tangible effect to the provisions of that directive in its relations with a person who was entitled to rely on it, inasmuch as it refused to authorize the free repatriation of the proceeds of the liquidation of investments, although such repatriation is unconditionally liberalized by Article 2 of the directive, or the crediting of those proceeds to a convertible account in Greece, and

(3) by not authorizing the free transfer from Greece of interest accrued on those investments,

the Hellenic Republic has failed to fulfil its obligations under the Act of Accession of the Hellenic Republic to the European Communities and the EEC Treaty,

* Language of the Case: Greek.

THE COURT,

composed of: Lord Mackenzie Stuart, President, G. Bosco, 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, T. F. O'Higgins and F. Schockweiler, Judges,

Advocate General: M. Darmon
Registrar: P. Heim

after hearing the views of the Advocate General

gives the following

Order

By letter lodged at the Court Registry on 11 November 1987, the Commission informed the Court, pursuant to Article 78 of the Rules of Procedure, that it wished to discontinue its application and requested that the Hellenic Republic should be ordered to pay the costs pursuant to Article 69 (4) of the Rules of Procedure.

The Hellenic Republic did not submit any observations on the discontinuance of the proceedings within the period granted to it.

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

In the present case the Commission's discontinuance is justified by the attitude of the Hellenic Republic, which only adopted the measures required to comply with the provisions of the Directive of 11 May 1960 for the implementation of Article 67 of the EEC Treaty after the Commission had brought the proceedings.

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

On those grounds,

THE COURT

hereby orders as follows:

(1) Case 132/85 shall be removed from the register of the Court;

(2) The Hellenic Republic is ordered to pay the costs.

Luxembourg, 16 December 1987.

P. Heim
Registrar

A. J. Mackenzie Stuart
President