

## JUDGMENT OF THE COURT

of 12 September 2000

in Case C-260/98: Commission of the European Communities v Hellenic Republic<sup>(1)</sup>

*(Failure to fulfil obligations — Article 4(5) of the Sixth VAT Directive — Access to roads on payment of a toll — Failure to levy VAT — Regulations (EEC, Euratom) Nos 1552/89 and 1553/89 — Own resources accruing from VAT)*

(2000/C 316/19)

(Language of the case: Greek)

*(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-260/98: Commission of the European Communities (Agents: D. Gouloussis and H. Michard) v Hellenic Republic (Agents: P. Mylonopoulos and A. Rokofyllou) — application for a declaration that, by failing to subject to value added tax tolls paid by users as consideration for the service of providing access to motorways and related infrastructures, contrary to Articles 2 and 4 of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1), and by thereby avoiding payment of the own resources and interest due under Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom, on the system of the Community's own resources (OJ 1989 L 155, p. 1), and Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax (OJ 1989 L 155, p. 9), the Hellenic Republic has failed to fulfil its obligations under the EC Treaty — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida (Rapporteur), L. Sevón and R. Schintgen (Presidents of Chambers), P.J.G. Kapteyn, C. Gulmann, J.-P. Puissochet, P. Jann, H. Ragnemalm, V. Skouris and F. Macken, Judges; S. Alber, Advocate General; D. Lousterman-Hubeau and H.A. Rühl, Principal Administrators, for the Registrar, has given a judgment on 12 September 2000, in which it:

1. Dismisses the application;
2. Orders the Commission of the European Communities to bear the costs.

<sup>(1)</sup> OJ C 299 of 26.9.1998.

## JUDGMENT OF THE COURT

of 12 September 2000

in Case C-366/98 (reference for a preliminary ruling from the Cour d'Appel de Lyon): Yannick Geffroy and Casino France SNC<sup>(1)</sup>

*(Free movement of goods — National legislation on the marketing of a product — Description and labelling — National legislation requiring use of the official language of the Member State — Directive 79/112/EEC)*

(2000/C 316/20)

(Language of the case: French)

*(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-366/98: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Cour d'Appel de Lyon, France, for a preliminary ruling in the proceedings pending before that court between Yannick Geffroy and Casino France SK — on the interpretation of Article 30 of the EC Treaty (now, after amendment, Article 28 EC) and Article 14 of Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ 1979 L 33, p. 1), as amended by Commission Directive 93/102/EC of 16 November 1993 (OJ 1993 L 291, p. 14), — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida, D.A.O. Edward (Rapporteur) and L. Sevón (Presidents of Chambers), C. Gulmann, J.-P. Puissochet, P. Jann, H. Ragnemalm and M. Wathelet, Judges, D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 12 September 2000, in which it has ruled:

1. Article 30 of the EC Treaty (now, after amendment, Article 28 EC) and Article 14 of Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 93/102/EC of 16 November 1993, do not preclude a national provision from requiring that the labelling of foodstuffs and the labelling methods used must not mislead the purchaser or consumer, particularly as to the characteristics of those foodstuffs.