

The applicant claims that the Court should:

1. Declare that, by levying, as from 1 January 1981, through the intermediary of the commercial banks a charge for checking the prices of imported products originating in and coming from other Member States of the Community, the Hellenic Republic has failed to fulfil its obligations under Article 28 of the Act of Accession;
2. Order the Hellenic Republic to pay the costs.

*Contentions and main arguments adduced in support*

The charge in question is pecuniary and imposed unilaterally on goods by reason of their having crossed the frontier. The checking of import invoices is carried out for reasons of public policy and cannot be considered a service to the importer warranting the levying of a pecuniary charge. Consequently, the charge in question must be classified as a charge having an effect equivalent to a customs duty and must be abolished forthwith in accordance with Article 28 of the Act of Accession.

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**Action brought on 1 July 1985 by the Commission of the European Communities against the Italian Republic**

(Case 200/85)

(85/C 191/12)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 1 July 1985 by the Commission of the

European Communities, represented by Dr Guido Berardis, of the Commission's Legal Department, with an address for service in Luxembourg at the Chambers of Dr Georgios Kremlis, also of the Commission's Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that by introducing and maintaining differential rates of value-added tax on diesel-engined motor vehicles on the basis of the cylinder capacity in order to apply the higher rate exclusively to motor vehicles imported particularly from other Member States, the Italian Republic has failed to fulfil its obligations under Article 95 of the EEC Treaty.
- Order the Italian Republic to pay the costs.

*Contentions and main arguments adduced in support*

- Infringement of the first paragraph of Article 95 of the EEC Treaty. Since no diesel-engined motor vehicles with a cylinder capacity in excess of the limit laid down (2 500 cc) are manufactured in Italy, whilst such vehicles are manufactured in at least one other Member State, Italy imposes on certain products originating in other Member States internal taxes which are higher than those imposed on similar domestic products.
- Infringement of the second paragraph of Article 95 of the EEC Treaty. Even if the similarity between the products were open to challenge, the second paragraph of Article 95 would necessarily apply since the protectionist purpose of the measure in question cannot seriously be denied.