ORDER OF THE COURT
OF 10 NOVEMBER 1977 [1]

Hellmut Stimming KG
v Commission of the European Communities

Case 90/77

In Case 90/77,

HELLMUT STIMMING KG, Witten,

applicant,

v

COMMISSION OF THE EUROPEAN COMMUNITIES,

defendant,

THE COURT

composed of: H. Kutscher, President, M. Sørensen and G. Bosco, Presidents of Chambers, A. M. Donner, P. Pescatore, J. Mertens de Wilmars, Lord Mackenzie Stuart, A. O'Keeffe and A. Touffait, Judges,

Advocate-General: H. Mayras
Registrar: A. Van Houtte

makes the following

ORDER

1 By an application lodged on 21 July 1977, the applicant brought an action for damages 'against the Commission of the European Communities'.

1 — Language of the Case: German.

2 In its reply in that case, the applicant purports to 'extend' its action and bring it also against the Council of the European Communities.

3 The Rules of Procedure do not allow such an alteration in the person of the defendant.

4 Accordingly, the reply is to be accepted only as a pleading in the proceedings between the applicant and the Commission, but cannot be regarded as commencing an action against the Council.

THE COURT

hereby:

Orders the Registrar not to serve on the Council of the European Communities the reply lodged on 7 November 1977.

Luxembourg, 10 November 1977.

A. Van Houtte
Registrar

H. Kutscher
President