ORDER OF THE PRESIDENT OF THE COURT
17 MARCH 1966[1]

SpA Acciaierie e Ferriere Stefana Fratelli v High Authority of the ECSC

Case 1/66R

In Case 1/66R[2]

SPA ACCIAIERIE E FERRIERE STEFANA FRATELLI, the registered office of which is at Nave (Italy) represented by its Managing Director, Giulio Quinto Stefana, assisted by Odoardo Valseriati, advocate of the Brescia Bar, with an address for service in Luxembourg at the chambers of Camille Wagner, 31 rue des Roses,

applicant,

v

HIGH AUTHORITY OF THE EUROPEAN COAL AND STEEL COMMUNITY, represented by its legal adviser, Guiseppe Marchesini, acting as Agent, with an address for service in Luxembourg at its offices at 2 place de Metz,

defendant,

Whereas the applicant, by application lodged at the Court Registry on 12 February 1966, instituted proceedings for the annulment of the decision of the High Authority dated 15 December 1965 and notified to the applicant on 12 January 1966, fixing the tonnages of the basis of its assessment to levy for the period from January 1959 to December 1963 and requiring it to pay by way of levy the sum of 31 590 296 lire in respect of principal and 22 407 935 lire as surcharges for delay in payment, these figures being made up to 5 December 1965;

Whereas the applicant, by application lodged at the Court Registry on 28 February 1966, has sought the suspension of the operation of the decision contested in its main application;

Whereas, in its observations lodged on 9 March 1966, the defendant has asked that the application for suspension be dismissed as inadmissible and in any event as unfounded and that the decision on costs be reserved for the final judgment;

1 — Language of the Case: Italian.
2 — In the main action the applicant discontinued its application; by order of 17 October 1967 the Court removed the case from the Register.

Whereas the application has been made in proper form;

Whereas under Article 83 (2) of the Rules of Procedure of the Court an application to suspend the operation of a measure adopted by a Community institution shall state the circumstances giving rise to urgency and the factual and legal grounds establishing a prima facie case for the interim measure applied for;

Whereas in support of its application the applicant submits what is essentially a summary of the arguments contained in its main application;

Whereas as regards more particularly the interim measure applied for, it does no more than say that the operation of the decision, which it describes as unjust, contested in the principal application, would cause it irreparable damage and might place it in serious jeopardy at a time when it is already exposed to grave risk by reason of the unfavourable market situation;

Whereas in the absence of any evidence or any indications of evidence such allegations cannot be regarded as adequate for the purpose of establishing a prima facie case for the grant of the interim measure applied for;

Whereas moreover in its letter of 12 January 1966 by which it notified the applicant of the decision contested in the main application, the High Authority declared that it was prepared to accept, subject to certain conditions, payment by way of instalments of the sums due;

On those grounds,

Having regard to Article 39 of the Treaty establishing the European Coal and Steel Community, Article 33 of the Protocol on the Statute of the Court of Justice of the ECSC and Articles 69, 83, 84, 85 and 86 of the Rules of Procedure,

THE PRESIDENT OF THE COURT

hereby orders :

1. **The application is dismissed;**
2. **The costs are reserved.**

Luxembourg, 17 March 1966

A. Van Houtte
Registrar

Ch. L. Hammes
President