given *de facto* and *de jure* to shipyard scrap for the benefit of the ship-breaking undertakings of the Community and also on grounds of quality. The applicants do not deny the legality of this policy. For the purpose of assessing their claim, therefore, evidence must also be produced that there were legal grounds (for example relating to the prohibition on discrimination) which ensured that they would have been allowed in all circumstances to purchase cheaper imported scrap.

In view of the applicants' explanations, which carry little weight, and in the absence of any offer of suitable proof, I cannot imagine how it would have been possible to provide such evidence on every point.

III – To summarize the considerations of the actions for a wrongful act or omission, there can be no doubt that certain aspects of the conduct of the OCCF justify the impression that it was at fault. Nevertheless, when all the circumstances are taken into account, there can be no question of a wrongful act or omission on the part of the High Authority which compels it to make good the damage allegedly suffered. If the Court were to take a different view on this issue it would, in my opinion, be necessary to undertake an inquiry in order to reach a definite decision on the applications relating to a wrongful act or omission, to settle the issue of the chain of causation, and to determine the extent of the damage.

C – Summary and conclusion

I recommend the Court not to adopt my alternative suggestions, to dismiss in their entirety as unfounded Applications 19/60 and 21/60 and Applications 2/61 and 3/61 and to order the applicants to pay the costs.

ORDER OF THE COURT
31 January 1962[1]

In Joined Cases

19/60 – Société Fives Lille Cail, Paris,

21/60 – Société Union Sidérurgique du Nord de la France (Usinor), Paris,

2/61 – Société des Forges et Ateliers du Creusot, Paris,

3/61 – Société Marrel Frères, Rive-de-Gier,

represented by Jean-Pierre Aron, Advocate at the Cour d'Appel, Paris,

v

High Authority of the European Coal and Steel Community,

represented by its Legal Adviser, Italo Telchini, acting as Agent, and Professor André de Laubadère, of the University of Paris, acting as co-Agent,

1 – Language of the Case: French.

THE COURT

composed of: A. M. Donner, President, J. Rueff, President of Chamber, L. Delvaux, Ch. L. Hammes (Rapporteur) and R. Rossi, Judges,

Advocate-General: K. Roemer
Registrar: A. Van Houtte

makes the following

ORDER

Facts

On 15 December 1961 the Court delivered judgment in Joined Cases 19/60, 21/60, 2/61 and 3/61.

On 28 December 1961, the applicants submitted an application for rectification of this judgment under Article 66 of the Rules of Procedure; they claim therein that the concluding paragraphs of the grounds of judgment contain an obvious slip in that the Court did not allow the applicants' damage to be assessed at the amounts of the transport parities and rules that the damage was not established.

In observations submitted on 16 January 1962, the defendant, the High Authority, contends that the Court should declare the application for rectification inadmissible or, in any case, dismissed, with all legal consequences in respect of the costs of the proceedings.

Grounds

Article 66 of the Rules of Procedure provides as follows:

'1. Without prejudice to the provisions relating to the interpretation of judgments the Court may, of its own motion or on application by a party made within two weeks after the delivery of a judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.'

This provision refers, as a possible ground for rectification, to purely material errors in a judgment in cases where no difficulty arises concerning the meaning or scope of the decision. Rectification within the meaning of Article 66 of the Rules of Procedure cannot purport to amend or revise a previous decision.

However, the application submitted by the applicants does not seek rectification of an alleged obvious slip but the amendment of a finding in law contained in the judgment.

It is therefore inadmissible.

Having regard to the foregoing considerations;
Upon reading the pleadings;
Upon hearing the views of the Judge-Rapporteur;
Upon hearing the views of the Advocate-General;
Having regard to Articles 66 and 69 of the Rules of Procedure of the Court of Justice of the European Communities;

THE COURT

hereby;

1. **Dismisses the application for rectification of the judgment delivered on 15 December 1961;**

2. **Orders the applicants to bear the costs.**

Luxembourg, 31 January 1962.

A. Van Houtte
Registrar

A. M. Donner
President