ORDER OF THE PRESIDENT OF THE COURT
1 JULY 1963[1]

Acciaierie Ferriere Pietra Oddino
v High Authority of the European Coal and Steel Community

Case 60/63 R[2]

In Case 60/63 R

ACCIAIERIE FERRIERE PIETRA ODDINO, an undertaking in the personal name of Pietra Oddino, at Via Dalmazia 5, Brescia, represented and assisted by Odoardo Valsariati, 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, Dr Italo Telchini, its Agent appointed for that purpose, with an address for service in Luxembourg at its offices, 2 place de Metz,

defendant,

Application for the suspension of implementation of the measures disputed in the main application.

Issues of fact and of law

Whereas, by an application lodged at the Court Registry on 22 May 1963, the applicant applied for the annulment of Decision No 7/63 of the High Authority and, to the extent necessary, of the provisions contained in letter No 40340-4024 of 8 April 1963 of the High Authority and in the communication mentioned in letter No 4024 of 10 May 1963, which was also sent by the High Authority of the European Coal and Steel Community;

Whereas in its application lodged at the Court Registry on 10 June 1963 the applicant claims that the Court should:

Suspend the implementation of Decision No 7/63 and, in addition, suspend the recovery of the sums mentioned in the letters of 8 April and 10 May 1963, as well as the implementation of the measures provided for in these letters until the final outcome of the action in progress;

Whereas on 18 June 1963 the defendant lodged its observations concerning the application for the adoption of an interim measure in which it states:

that the application for suspension should be dismissed for lack of purpose.

1 – Language of the Case: Italian.

2 – The applicant withdrew in the main action and by order of 20 January 1965 the Court removed the case from the register.

Grounds

Whereas, the pleadings and supporting documents being sufficiently clear, it is appropriate to decide upon the application without summoning the parties to appear;

Whereas Decision No 7/63, which is the subject of the request for suspension, is of a general nature and is not capable of immediate implementation;

Whereas the defendant disputes that the letters of 8 April and 10 May 1963 constitute decisions capable of implementation;

Whereas, whatever the nature of the letters referred to, it appears clearly from the defendant's reply that the High Authority has no intention of proceeding to recover the disputed amounts by way of an enforceable decision;

And whereas consequently the conditions of urgency of such a nature as to justify an order for suspension are absent;

On those grounds,

Having regard to the written observations of the parties;
Having regard to Articles 33 and 39 of the Treaty establishing the European Coal and Steel Community and Article 33 of the Statute of the Court of Justice of the European Coal and Steel Community;
Having regard to Articles 83, 84, 85 and 86 of the Rules of Procedure;

THE PRESIDENT OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

hereby orders:

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

Luxembourg, 1 July 1963.

A. Van Houtte
Registrar

A. M. Donner
President