ORDER OF THE PRESIDENT OF THE COURT
OF 31 JULY 1980 [1]

Rosina Jacobucci
v Commission of the European Communities

Case 163/80 R

In Case 163/80 R

ROSINA JACOBUCCI, an official of the Commission of the European Communities employed at the Information Office, Rome, represented by Blanche Moutrier, of the Luxembourg Bar, residing at 11A Avenue de la Porte-Neuve, Luxembourg,

applicant,

v

COMMISSION OF THE EUROPEAN COMMUNITIES, represented by Jörn Pipkorn, a member of its Legal Department, acting as Agent, assisted by Daniel Jacob, of the Brussels Bar, with an address for service in Luxembourg at the office of its Legal Adviser, Mario Cervino, Jean Monnet Building,

defendant,

APPLICATION to suspend the operation of a decision by which the Commission ordered the applicant to be transferred from the Rome office to the Brussels headquarters,

THE JUDGE ACTING AS THE PRESIDENT OF THE COURT pursuant to Article 96 (1), the second paragraph of Article 85 and the second paragraph of Article 11 of the Rules of Procedure,

makes the following

1 — Language of the Case: French.

Order

1 By an application of 11 July 1980 the applicant sought the annulment of the decision taken on 19 May 1980 by the Head of the Management and Organization, Establishment Division to reassign the applicant and her post to the Brussels headquarters with effect from 1 January 1981.

2 By an application of the same date made pursuant to Article 83 of the Rules of Procedure the applicant asked the Court, as an interim measure, to suspend the operation of the decision in question.

3 In its written observations the Commission has stated that, for the reasons set out by the applicant in her application, by a decision of 18 July 1980 it has decided to postpone the decision of 19 May 1980 to reassign the applicant in order to assess the situation afresh. The Commission thinks that in those circumstances it is unnecessary for the Court to adjudicate upon the application at the present time and that the case should be postponed *sine die.*

4 At the hearing of the application for the adoption of interim measures the applicant stated that in those circumstances she would withdraw her application for interim measures. The Commission stated that it had no observations to make in regard to that withdrawal.

5 This situation may be dealt with pursuant to the special rules relating to the procedure for the adoption of interim measures; the withdrawal by the applicant of her application is accordingly noted, the question of costs being reserved until the decision on the main appplication, which remains pending.

On those grounds,

THE JUDGE ACTING AS PRESIDENT OF THE COURT pursuant to Article 96 (1), the second paragraph of Article 85 and the second paragraph of Article 11 of the Rules of Procedure,

as an interlocutory decision,

hereby orders as follows:

1. **Case 163/80 R shall be removed from the Court Register.**

2. **Costs are reserved until a decision is given in Case 163/80.**

Luxembourg, 31 July 1980.

The Registrar
by order

H. A. Rühl
Principal Administrator

P. Pescatore
Judge, acting as President