ORDER OF THE PRESIDENT OF THE COURT
24 SEPTEMBER 1965[1]

SpA Arturo Mondini
v High Authority of the European Coal and Steel Community

Case 53/65R[2]

In Case 53/65R

SPA ARTURO MONDINI, having its registered office at Domegliara, Verona, represented by its sole director, Arturo Mondini, assisted by Enrico Avesani, Advocate of the Verona Bar, with an address for service in Luxembourg at the Chambers of Georges Margue, avocat-avoué, 20 rue Philippe-II,

applicant,

v

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

defendant,

Whereas by an application lodged at the Court Registry on 25 August 1965 the applicant made an application for the annulment of the decision of the High Authority of 21 July 1965, notified on 29 July, ordering it to pay a fine of 2 million lire for infringement of the obligation to publish price lists laid down in Article 60 of the Treaty establishing the European Coal and Steel Community;

Whereas on the same date the applicant lodged an application to suspend the operation of the decision contested in the main application;

Whereas in its observations lodged on 14 September 1965 the defendant contended that the application to suspend the operation of the decision should be dismissed as inadmissible and, at all events, as unfounded and that the decision as to costs should be reserved for the main application;

1 — Language of the Case: Italian.
2 — The applicant withdrew in the original case and by order of the Court of 17 February 1966 the case was removed from the register.

Whereas the requirements of Article 83 (1) and (3) of the Rules of Procedure have been observed in this case and the application has been presented in due form;

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

Whereas in support of its application, the applicant has merely stated that, as a result of circumstances affecting it in particular and the difficult position of the Italian iron and steel industry in general, it has neither liquid assets nor capital available to pay the fine and that enforcement of the decision could irreparably damage its solvency and commercial reputation;

Whereas in the absence of any evidence or offer of evidence to this effect such assertions cannot be regarded as sufficient to establish a *prima facie* case for the suspension of operation applied for;

On those grounds,

Having regard to Article 39 of the Treaty establishing the European Coal and Steel Community, Article 33 of 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 OF JUSTICE OF THE EUROPEAN COMMUNITIES

hereby orders:

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

Luxembourg, 24 September 1965.

A. Van Houtte
Registrar

Ch. L. Hammes
President