Having regard to the Rules of Procedure of the Court of Justice of the European Communities;

THE COURT

hereby:

1. **Orders the Commission of the EEC to pay to Mr R. P. M. Fiddelaar the sum of FB 100000, from which shall be deducted the sum of FB 60000 being the interim payment made under the Order of the President of the Court of 1 October 1960;**

2. **Awards Mr Fiddelaar two-thirds of his costs against the Commission of the EEC, and orders the latter to bear its own costs;**

3. **Orders Mr R. P. M. Fiddelaar to bear the costs which he incurred in the proceedings for the purpose of obtaining a stay of execution of the contested decision and during the measure of inquiry ordered by the Court;**

4. **Orders the Commission of the EEC to pay the costs of the proceedings for the adoption of interim measures.**

Donner Hammes Riese
Delvaux Rossi

Delivered in open court in Luxembourg on 16 December 1960.

A. Van Houtte
Registrar

A. M. Donner
President

OPINION OF MR ADVOCATE-GENERAL ROEMER DELIVERED ON 4 APRIL 1960

In Joined Cases 43, 44 and 45/59 (see page 478)

OPINION OF MR ADVOCATE-GENERAL ROEMER DELIVERED ON 18 OCTOBER 1960[1]

Mr President,
Members of the Court,

In the opinion I gave last April in the case of *Fiddelaar* v *Commission of the European Economic Community,* which was joined with three very similar cases, I fully reviewed the issues of fact and of law which arose in that case. My recommendation at that time was that the Court should allow Mr Fiddelaar's application and declare that the decision of dismissal by the Commission was of no effect; alternatively, I suggested that the Court should order a measure of inquiry if the evidence which had emerged during the course of the proceedings was insufficient to justify an assumption that the dismissal involved a misuse of powers. The Court followed this suggestion and, as a result of an Order of 20 June 1960, it has just heard a number of witnesses

1 – Translated from the German.