purpose of rectifying certain omissions, on 4 April 1962 took a Decision which is designed to meet circumstances such as those in the present case. I refer to the Decision relating to the levying of a countervailing charge on certain goods, derived from the processing of agricultural products. The defendants' representatives themselves agreed to this Decision. The Belgian Government drew the necessary consequences of the Decision to the extent that on 1 February 1962 it submitted that it should apply to the case of the production of gingerbread, without, it is true, obtaining a positive result.

We need not consider here whether, with the organization which in fact exists and its application in practice, these possibilities always hold out the promise of satisfactory results. All I shall say is that, upon an examination of the relevant principles at an abstract level, I find that such possibilities not only have the advantage of being integrated into the system of the Treaty, without damaging the structure of the Treaty itself and without raising fears of a collapse of its principles, but that they are also in line with the supranational organization of the Community with which autonomous and unilateral measures of Member States can in cases of doubt be reconciled only with difficulty.

In view of all these considerations the opinion of the Commission must be approved and confirmed and the Kingdom of Belgium and the Grand Duchy of Luxembourg must accordingly be declared to have contravened their obligations under the Treaty, by increasing, after the entry into force of the Treaty, the special duty levied on the issue of import licences for gingerbread and by extending this duty to products similar to gingerbread listed in Heading No 19.08 of the Common Customs Tariff.

As the applications are admissible and well founded, the costs should be paid by the defendants, in accordance with the application of the Commission.

ORDER OF THE COURT
3 DECEMBER 1962[1]

In Joined Cases 2 and 3/62

COMMISSION OF THE EUROPEAN ECONOMIC COMMUNITY

v

1. GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG

and

2. GOVERNMENT OF THE KINGDOM OF BELGIUM

1 — Language of the Case: French.

THE COURT

composed of: A. M. Donner, President, L. Delvaux and R. Rossi (Presidents of Chambers), O. Riese, Ch. L. Hammes, A. Trabucchi and R. Lecourt (Rapporteur), Judges,

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

deciding upon an application by the Belgian Government, lodged on 10 November 1962, for the reopening of the oral procedure,

makes the following

ORDER

Whereas, with the object of invoking the Association Agreement between the EEC and Greece and also the preamble to a Belgian law of 11 September 1962, the Government of the Kingdom of Belgium, by an application dated 10 November 1962, has made a request for the reopening of the oral procedure in Joined Cases 2 and 3/62 of 21 February 1962;

Whereas the Court cannot find in the matters raised anything of relevance which would justify the use of its powers under Article 61 of the Rules of Procedure to order the reopening of the oral procedure;

Whereas the Association Agreement between the EEC and Greece was finally ratified (by the exchange of instruments of ratification) by the Governments of the Member States of the EEC, including the Belgian Government, on 24 August 1962, as reported in the 'Moniteur belge' of 31 October 1962, p. 9682;

Whereas the Belgian Law of 11 September 1962 received the assent of the King of the Belgians on the same date after it had been publicly debated and adopted at sittings of the Chamber on 12 and 19 July 1962 and of the Senate on 25 July 1962, as reported in the 'Moniteur belge' on 27 October 1962, p. 9491;

Whereas the said matters were thus known before 19 October 1962, the date of the oral procedure, to the party making the application for the reopening of the said procedure and which therefore had the time and opportunity to argue them at the hearing;

Whereas the said matters were thus fore for applying Article 61 of the Rules of Procedure;

On those grounds,

Upon hearing the Advocate-General;

THE COURT

hereby

1. **Declares that there are no grounds for ordering the reopening of the oral procedure;**

2. **Orders the party making the application of 10 November 1962 on the procedural issue to pay the costs involved in that application.**

Luxembourg, 3 December 1962.

A. Van Houtte
Registrar

A. M. Donner
President