JUDGMENT OF THE COURT
18 October 1989 *

In Case 27/88

Solvay & Cie, a limited liability company, whose registered office is in Brussels, represented by Lucien Simont, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Jacques Loesch, 8 rue Zithe,

applicant,

v

Commission of the European Communities, represented by its Legal Adviser, Anthony Mc Clellan, acting as Agent, assisted by Nicole Coutrelis, of the Paris Bar, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of its Legal Department, Wagner Centre,

defendant,

APPLICATION for a declaration that the Commission Decision IV/31.865 of 24 November 1987 relating to a proceeding under Article 11(5) of Regulation No 17 of the Council is void,

THE COURT

composed of: O. Due, President, Sir Gordon Slynn, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G. F. Mancini, R. Joliet, J. C. Moitinho de Almeida, G. C. Rodríguez Iglesias, F. Grévisse and M. Diez de Velasco, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: French

hereby:

(1) **Annuls Questions II(1)(c) and III(1) and (2) of Commission Decision IV/31.865 of 24 November 1987 relating to a proceeding under Article 11(5) of Regulation No 17 of the Council of 6 February 1962, the first regulation implementing Articles 85 and 86 of the EEC Treaty;**

(2) **Dismisses the remainder of the application;**

(3) **Orders the parties to bear their own costs.**