III — Summary and conclusion

Finally let me sum up:

In my opinion even a thorough discussion of the subject-matter of the dispute cannot lead to holding that the contested measure is of direct concern to applicants. For this reason I propose that their cases be dismissed as inadmissible. Such is my main conclusion.

Should the Court not follow me on this point, the applicants should be upheld as to substance, since the conditions required for the adoption of protective measures were not present. This matter would at least have to be elucidated by means of an expert's report before it would be possible to give judgment *in favour of the Commission.*

Since my main conclusion is that the applications must be dismissed as inadmissible, the applicants should bear the costs.

ORDER OF THE COURT
25 JUNE 1964[1]

In Joined Cases

106/63

ALFRED TOEPFER, a limited partnership, whose registered office is at Hamburg, represented by August Schultz, its special commercial agent,

and 107/63

GETREIDE-IMPORT GESELLSCHAFT, a limited company, whose registered office is at Duisburg, represented by its managers Wilhelm Specht and Wilhelm Breder, assisted by Walter Hempel of the Hamburg Bar and Mr Redeker of the Bonn Bar (for Case 107/63 only), both with an address for service in Luxembourg at the Chambers of Georges Reuter, avocat-avoué, 7 avenue de l'Arsenal,

applicants,

v

1 — Language of the Case: German.

COMMISSION OF THE EUROPEAN ECONOMIC COMMUNITY, represented by Claus-Dieter Ehlermann, a member of the Legal Department of the European Executives, with an address for service in Luxembourg at the offices of Henri Manzanarès, Secretary of the Legal Department of the European Executives, 2 place de Metz,

defendant,

Whereas in its application lodged on 21 February 1964 the defendant requested the Court to decide on the admissibility of Applications 106/63 and 107/63 as a preliminary point, to dismiss the principal applications as inadmissible and to order the applicants to bear the costs of the proceedings;

Whereas in its statement in reply lodged on 13 April 1964 the applicants requested the Court to dismiss the application made by the defendant for a preliminary decision on the admissibility of the principal applications or, alternatively, to reserve its decision for the final judgment;

Whereas the oral procedure concerning the objection of inadmissibility took place on 28 May 1964;

Whereas the Advocate-General, in his opinion delivered on 11 June 1964, suggested to the Court that it should not give judgment on the application made by the defendant until after the procedure relating to substance had been completed;

Whereas at this stage in the proceedings it seems appropriate to follow this suggestion because the elements of the problem of the admissibility of the principal applications appear to be interrelated with those for which an evaluation is necessary when the substance of the case is examined;

On those grounds,

Having regard to Articles 69 and 91 of the Rules of Procedure of the Court of Justice;
Upon hearing the Advocate-General,

THE COURT

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

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

hereby orders:

1. **The decision on the objection raised by the defendant is reserved the final judgment;**
2. **The costs are reserved.**

Luxembourg 25 June 1964.

A. Van Houtte
Registrar

A. M. Donner
President

OPINION OF MR ADVOCATE-GENERAL ROEMER DELIVERED ON 16 JUNE 1964[1]

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Mr President,
Members of the Court,

The applicants are commercial partnerships under German law. They buy and sell cereals and fodder in Germany and abroad. On 1 October 1963, in order to make forward imports of maize from France for January 1964, they lodged duly completed applications for import licences with the body for the importation and storage of cereals and fodder (Einfuhr- und Vorratsstelle für Getreide und Futtermittel) at Frankfurt am Main (the German intervention agency within the meaning of the Law of 26 July 1962, passed in order to implement Regulation No 19, BGB1 I, page 455). These licences were to be granted at a zero rate of levy, which was the rate

1 — Translated from the German.