be instituted. If the application is directed against a measure which has been published, the period clearly runs from 'the publication of the measure'. This is particularly clear from the French, Italian and Dutch texts of the Treaty.

I have already mentioned the dates of publication in the Official Journal of the contested measures. The following dates should be noted: 13 April 1961, 2 May 1961 and 27 January 1962. The applications were lodged on 4 October and 9 October 1962. As the period during which proceedings must be instituted is two months, it is therefore clear that the proceedings were not instituted within the prescribed period. Even if one wished to take the view that this period would start to run when the parties affected came to know of the measure, even if this is only at a later date, this would make no difference, because the applicants have not submitted that the measures in dispute only came to their knowledge within the two months preceding the commencement of their proceedings.

We therefore arrive at the result that the applicants cannot achieve their objective by the means they have chosen, that is to say, by bringing the matter directly before the Court of Justice. The reservations they have expressed on the question whether their interests are sufficiently protected by the opportunity of invoking the illegality of the decisions of the Commission within the framework of legal proceedings instituted under national law, and of persuading the national court to refer the matter in question to the Court of Justice under Article 177, are primarily matters for national courts to decide and cannot be dealt with here.

In the present case, the Court of Justice should therefore find that the applications are inadmissible and that the costs of the proceedings should be borne by the applicants.

ORDER OF THE COURT
30 OCTOBER 1962[1]

In Case 31/62[2]

MILCHWERKE HEINZ WÖHRMANN & SOHN KG, Wesel/Rhein,

applicant,

v

COMMISSION OF THE EUROPEAN ECONOMIC COMMUNITY,

defendant,

1 — Language of the Case: German.
2 — the order in Case 33/62 is identical with that in Case 31/62.

Whereas at the present stage of the proceedings the Court takes the view that it is doubtful whether the action founded upon Article 184 of the Treaty establishing the European Economic Community is admissible;

Whereas if there should in fact prove to be an absolute bar to proceeding with the case, the action must be dismissed as being inadmissible;

Whereas in these circumstances the Court is entitled under Article 92 of its Rules of Procedure to consider at any time whether such an absolute bar exists;

Whereas it seems appropriate to hear the oral submissions of the parties on this point under Article 91 (3) of the Rules of Procedure;

Upon hearing the report of the Judge-Rapporteur;
Upon hearing the Advocate-General;
Having regard to Article 184 of the Treaty establishing the European Economic Community and Articles 91 (3) and 92 of the Rules of Procedure;

THE COURT

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

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

hereby orders:

that the question whether there exists any absolute bar to proceeding with the case, which the Court should consider of its own motion, shall be the subject of oral proceedings.

Luxembourg, 30 October 1962.

A. Van Houtte
Registrar

A. M. Donner
President