ORDER OF THE COURT (SECOND CHAMBER)
26 MAY 1967[1]

Società Industriale Metallurgica di Napoli (Simet) v High Authority of the European Coal and Steel Community[2]

Case 25/65

In Case 25/65

SOCIETÀ INDUSTRIALE METALLURGICA DI NAPOLI (SIMET)

v

HIGH AUTHORITY OF THE EUROPEAN COAL AND STEEL COMMUNITY,

Having regard to the judgment delivered by the Court on 2 March 1967 in Joined Cases 25 and 26/65 (Società Industriale Metallurgica di Napoli, Simet, and Aciaierie Ferriere di Roma, Feram, v High Authority)[2];

Whereas by the aforesaid judgment, the High Authority of the European Coal and Steel Community was ordered to pay the costs of Case 25/65;

Whereas in reply to the statement of fees and expenses sent on 27 March 1967 by Arturo Cottrau, counsel for the Simet company, to the High Authority, the Agent of the latter, Italo Telchini, by letter dated 6 April 1967, informed Mr Cottrau 'that in pursuance of a practice hitherto adopted in similar cases, the High Authority waits until the Court has pronounced upon the settlement of fees before considering the question of paying them' and that it was therefore appropriate that he should make an application to the Court in this matter, 'in conformity with Article 74 of the Rules of Procedure';

Whereas Mr Cottrau, on 14 April 1967, made an application to the Court for an order from which no appeal shall lie regarding payment of the costs which he states he has advanced;

Whereas, in its observations lodged on 25 April 1967, the High Authority stated, as regards the amount of the costs, that it was content to leave the matter for the decision of the Court, but that it was opposed to the liquidated fees and expenses being paid to Mr Cottrau personally;

1 — Language of the Case: Italian.
2 — [1967] E.C.R.

Whereas, under Article 74 (1) of the Rules of Procedure, the Chamber to which the case has been assigned shall make an order concerning the costs to be recovered only 'if there is a dispute';

Whereas, in this case, at the date on which the applicant applied to the Court for an order, there existed between the parties no dispute regarding either the amount of the costs to be recovered or their payment;

Whereas, therefore, as the conditions laid down in Article 74 (1) of the Rules of Procedure are not fulfilled, the application must be dismissed as inadmissible;

On those grounds,

Upon hearing the report of the Judge-Rapporteur;
Upon hearing the opinion of the Advocate-General;

THE COURT (Second Chamber)

composed of: R. Monaco, President, Ch. L. Hammes (Rapporteur) and A. M. Donner, Judges,

Advocate-General: J. Gand
Registrar: A. Van Houtte

hereby orders :

The application made by the applicant in the main action for an order concerning the costs to be recovered is dismissed.

Luxembourg 26 May 1967

A. Van Houtte
Registrar

R. Monaco
President of the Second Chamber