would have meant, taking the content of that Decision alone, that the High Authority intended to await the adoption of new trading rules for the Ruhr. When it was apparent that these new rules, precisely because they accorded with the previously existing transitional rules, could no more justify a transitional period in favour of SOREMA's membership (as stated in the preamble to Decision No 3/62), the High Authority ordered SOREMA to leave the OKU within a relatively short time. So far as concerns the calculation of the period of validity of Decision No 3/62, this accords exactly with the programme outlined by that Decision. Nor has the applicant alleged that this time-limit was too short, for example, as far as concerns the requirements for making preparations to leave.

3. All the arguments submitted do not therefore warrant the annulment of Decision No 8/63, whilst those which one might have expected to hear based on the meaning of the transitional rules made for SOREMA's benefit, for example that the transitional period did not give enough time to fulfil the ordinary conditions for admission, have not been raised at all.

III—Consequently, my opinion is that the application by SOREMA is admissible but that it should be dismissed as unfounded, with the consequences in the matter of costs as stated in Article 69 of the Rules of Procedure.

ORDER OF THE PRESIDENT OF THE COURT
24 SEPTEMBER 1963[1]

In Case 67/63 R

SOCIÉTÉ RHÉNANE D'EXPLOITATION ET DE MANUTENTION 'SOREMA', a limited liability company having its registered office in Strasbourg at 11 rue Fischart, represented by its managers, and by R. Garnon of the Strasbourg Bar, 8 rue du Marché, with an address for service in Luxembourg at the offices of Nicholas Wennmacher, huissier, 17 boulevard Royal,

applicant,

v

HIGH AUTHORITY OF THE EUROPEAN COAL AND STEEL COMMUNITY, represented by its Legal Advisers, Messrs Matthies and Olivier, with an address for service in Luxembourg at its registered office, 2 place de Metz,

defendant,

Application for suspension of operation of Decision No 8/63 of 30 April 1963 of the High Authority, contested in the application in the main action,

1—Language of the Case: French.

Issues of fact and of law

Whereas the applicant, by application at the Court Registry on 4 June 1963, made an application for annulment of Decision No 8/63 of 30 April 1963 of the High Authority of the European Coal and Steel Community, concerning membership of the Oberrheinische Kohlenunion, Bettag, Puton & Co., Mannheim, on the part of the Société Rhénane d'Exploitation et de Manutention, Strasbourg;

Whereas in the application for suspension lodged at the Court Registry on 9 August 1963, the applicant claimed that the Court should:

— Order that the operation of Decision No 8/63 of 3 April 1963 of the High Authority of the European Coal and Steel Community notified to the applicant on 4 May 1963 and published in the Official Journal of 11 May 1963 be suspended, pending the ruling of the Court on application No 67/63;

— Reserve the costs until the main action;

Whereas the defendant on 21 August lodged its observations on the request for the adoption of the interim measure, contending that the request for suspension made by the 'SOREMA' company should be dismissed with all legal consequences, in particular as regards costs;

Whereas the parties having been duly summoned on 24 September 1963 before the President and submitted their oral observations;

Grounds

It appears from the record that the associates of the Oberrheinische Kohlenunion, Bettag, Puton & Co., passed the following resolution in writing:

'Die SOREMA scheidet gemäß Entscheidung der Hohen Behörde Nr 8/63 vom 30 April 1963 zum 30 Juni 1963 aus der Oberrheinischen Kohlenunion Bettag, Puton & Co., aus.

Der Kapitalanteil der SOREMA in Höhe von DM 900.000, — (eingezahlt die Hälfte) wird von den übrigen Gesellschaften im Verhältnis ihrer Großhändleranteile übernommen. Ein Großhändleranteil des Kapitalanteils der SOREMA (110 Anteile) beträgt DM 8.181,82 (davon ist die Hälfte = DM 4.090,91 je Anteil einzuzahlen);'

'(In accordance with Decision No 8/63 of 30 April 1963, SOREMA shall leave the Oberrheinische Kohlenunion on 30 June 1963;

SOREMA's share of capital amounting to DM 900000 (one half paid up) shall be taken over by the remaining companies in proportion to their shares as wholesale merchants. One wholesale merchant's share of SOREMA's share of capital (110 shares) amounts to DM 8181.82 (whereof one half= DM 4090.91 is payable per share);'

This resolution constitutes implementation of Decision No 8/63 of 30 April 1963 of the High Authority.

The applicant, who had received notice of the intention to pass the above quoted resolution by letter of 10 July 1963 from the OKU did not lodge its application for suspension at the Court Registry until 9 August 1963.

The request is therefore out of time.

The request for suspension having failed *ab initio* in its purpose, it must be declared inadmissible.

On those grounds,

Having regard to Articles 33 and 39 of the Treaty establishing the European Coal and Steel Community and Article 33 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community;
Having regard to Articles 83, 84 and 86 of the Rules of Procedure,

THE PRESIDENT OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

hereby orders:

1. **The application is inadmissible;**

2. **The costs are reserved.**

Luxembourg 24 September 1963.

A. Van Houtte
Registrar

A. M. Donner
President