ORDER OF THE PRESIDENT OF THE COURT
29 MARCH 1982 [1]

Allgemeine Elektricitäts-Gesellschaft AEG-Telefunken AG v Commission of the European Communities

Case 107/82 R

In Case 107/82 R

ALLGEMEINE ELEKTRICITÄTS-GESELLSCHAFT AEG-TELEFUNKEN AG, represented by M. Hirsch and F. Oesterle of the Stuttgart Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, 34 B Rue Philippe-II,

applicant,

v

COMMISSION OF THE EUROPEAN COMMUNITIES,

defendant,

THE PRESIDENT OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

makes the following

ORDER

1 On 6 January 1982 the Commission took a decision under Article 85 of the EEC Treaty (IV/28.748 AEG-Telefunken) disapproving the system of

1 — Language of the Case: German.

selective distribution established within the European Community for products of the Telefunken brand.

2 According to Article 2 of the decision AEG is required to bring the infraction in question to an end forthwith. Article 3 imposes on AEG a fine amounting to 1 000 000 (one million) European currency units, or DM 2 445 780 (two million four hundred and forty-five thousand seven hundred and eighty German marks), which must be paid within three months of the notification of the decision. Art cle 4 provides that the decision is to be enforceable in pursuance of Article 192 of the EEC Treaty.

3 In these circumstances the fine must be paid at the latest by 21 April 1982, from which date enforcement will become possible.

4 By application lodged at the Court Registry on 24 March 1982 the applicant has brought an action for a declaration that the Commission's decision is void. By a separate document lodged at the Court Registry on the same day the applicant applied in pursuance of the fourth paragraph of Article 192 of the EEC Treaty and Article 83 *et seq.* of the Rules of Procedure of the Court of Justice for a suspension of the operation of the contested decision without the applicant's being required to lodge security to obtain a suspension of the obligation to pay the fine.

5 According to Article 84 (2) of the Rules of Procedure the President may grant the application for suspension even before the observations of the opposite party have been submitted. Such a decision may be varied or cancelled even without any application's being made by any party.

6 In the interests of the proper administration of justice it is necessary, as a precautionary measure, to suspend the operation of Article 3 of the disputed measure until the Court arrives at its decision on the whole of the application for the adoption of interim measures.

On those grounds,

THE PRESIDENT,

by way of interim decision,

hereby orders as follows:

1. **The operation of Article 3 of the Commission decision of 6 January 1982 relating to a proceeding under Article 85 of the EEC Treaty (IV/28.748 AEG-Telefunken) shall, as a precautionary measure, be suspended until the Court arrives at its decision on the whole of the application for the adoption of interim measures.**

2. **The proceedings with regard to the application for the adoption of interim measures shall be pursued immediately. The Commission shall lodge its written observations before 19 April 1982.**

3. **The costs are reserved.**

Luxembourg, 29 March 1982.

J. A. Pompe
Deputy Registrar,
For the Registrar

J. Mertens de Wilmars
President