dure. It is based on Article 9 of Decision No 2/57 on rebates on the contribution at the additional rate granted to each undertaking, particularly in the case where the *specific input* is reduced 'compared', says the text, *'to the specific input over its reference period'*. Thus, in this case the comparison is to be made with the six-month reference period as a whole. I do not see the force of the argument: it is obvious that the specific input *for the reference period* is calculated over six months, as is the consumption itself for the reference period: it is in respect of that reference period that the rebate is granted if the percentage obtained for the accounting period is lower. It is not necessary to divide by two here, because a percentage is involved, and not a tonnage.

I am of the opinion that:

— as regards Case 15/59, the contested decision should be annulled, and that the High Authority should bear the costs;

— as regards Case 29/59, the application should be rejected and that the costs should be borne by the Société Métallurgique de Knutange.

ORDER OF THE COURT
30 JUNE 1959

In the action between

SOCIÉTÉ MÉTALLURGIQUE DE KNUTANGE, a limited liability company whose registered offices are at 16 boulevard Malesherbes, Paris, represented by its Chairman and Managing Director, Jean Latourte, assisted by Jean-Pierre Aron, Advocate at the Cour d'Appel, Paris, with an address for service in Luxembourg at the office of the Chambre Syndicale de la Sidérurgie Française at 49 boulevard Joseph-II,

applicant,

HIGH AUTHORITY OF THE EUROPEAN COAL AND STEEL COMMUNITY, represented by its Legal Adviser, Professor Giulio Pasetti, acting as Agent, with an address for service in Luxembourg at its offices, 2 place de Metz,

defendant,

concerning the request made under Article 69 of the Rules of Procedure of the Court of 4 March 1953, or under Article 91 of the Rules of Procedure of 3 March 1959, by the High Authority, the defendant, with regard to the application brought against it by the Knutange undertaking and requesting that the said application be dismissed as inadmissible.

THE COURT

composed of: A. M. Donner, President, J. Rueff President of Chamber, Ch. L. Hammes, R. Rossi and N. Catalano (Rapporteur), Judges,

Advocate-General: M. Lagrange
Registrar: A. Van Houtte

hereby makes the following

ORDER

By application lodged at the Registry on 27 March 1959, the applicant undertaking, which is a producer of steel, has claimed that the Court should 'Annul, as based on provisions of General Decision No 2/57 of 26 February 1957, which are void, the decision of the High Authority notified to the applicant by letter of the High Authority dated 27 February 1959'.

On 28 April 1959 the defendant lodged a pleading dated 16 april 1959. It argues that the sole purpose of the letter of 27 February 1959 was 'to inform the undertaking concerned of the conclusions which had been reached upon the preliminary inquiries into the case, while the High Authority as such had not yet taken a decision on the request for exoneration made by the applicant undertaking'.

The defendant, taking the view that in these circumstances the application was not admissible, claimed that the Court should: 'in application of Article 69 of the Rules of Procedure of the Court of 4 March 1953 or of Article 91 of the Rules of Procedure of 3 March 1959, dismiss the application made on 25 March 1959 as inadmissible because it is not directed against a decision of the High Authority'.

In addition, on 22 April 1959 the High Authority took a decision formally rejecting the request made by the Knutange undertaking.

That decision was notified to the Knutange undertaking on 6 May 1959.

As against the said decision the said undertaking made a new application which was lodged at the Registry on 27 May 1959. That application raises submissions which are practically identical to the submissions already raised in support of the application of 25 March 1959.

The Court will, in any event, be required to pass judgment on the legality of one or the other of the contested decisions, which have the same contents.

Therefore it is not necessary, at the present stage in the proceedings, to decide

whether the written communication of 27 February 1959 did or did not contain a decision of the High Authority.

Therefore, for the abovementioned reasons, it is appropriate to reserve a decision on the preliminary objection raised by the High Authority for the final judgment.

On those grounds,

Upon reading the pleadings;
Upon reading the report of the Judge-Rapporteur;
Upon hearing the Advocate-General;
Having regard to Article 33 of the Treaty and Article 91 of the Rules of Procedure of 3 March 1959,

THE COURT

hereby orders:

1. **A decision on the preliminary objection raised by the High Authority is reserved for the final judgment;**

2. **The costs are reserved.**

Luxembourg, 30 June 1959.

A. Van Houtte
Registrar

A. M. Donner
President