ORDER OF THE COURT
16 December 1987 *

In Case 289/85

Italian Republic, represented by Luigi Ferrari Bravo, Head of the Department for Contentious Diplomatic Affairs, acting as Agent, assisted by Oscar Fiumara, Avvocato dello Stato, with an address for service in Luxembourg at the Italian Embassy, 5 rue Marie-Adélaïde,

applicant,

v

Commission of the European Communities, represented by its Legal Adviser, Alberto Prozzillo, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, a member of its Legal Department, Jean Monnet Building, Kirchberg,

defendant,

APPLICATION for a declaration that Commission Decision 85/403/EEC of 19 July 1985 amending Decision 85/341/EEC concerning certain protective measures against African swine fever in Belgium is void to the extent that Article 1 (4) thereof amends Article 3 of Commission Decision 85/341 of 21 June 1985 by providing, in the new version of Article 3 (2) (b) (ii), that the provisions of Article 3 (1) prohibiting the introduction into the territory of a Member State of pigmeat products are not to apply to products prepared with meat as specified therein and satisfying the conditions specified therein,

THE COURT,

composed of: Lord Mackenzie Stuart, President, G. Bosco, O. Due, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias (Presidents of Chambers), T. Koopmans, U. Everling, K. Bahlmann, Y. Galmot, C. Kakouris, R. Joliet, T. F. O'Higgins and F. Schockweiler, Judges,

Advocate General: C. O. Lenz
Registrar: P. Heim

* Language of the Case: Italian.

after hearing the views of the Advocate General,

makes the following

Order

By a memorandum lodged at the Court Registry on 9 November 1987, the applicant informed the Court in accordance with Article 78 of the Rules of Procedure that it wished to discontinue the proceedings and asked the Court to order that each party should bear its own costs.

By telex message lodged at the Court Registry on 20 November 1987, the Commission took note of the discontinuance and, referring to its conclusions regarding costs in Case 11/86, asked the Court to order that the parties should bear their own costs.

On those grounds,

THE COURT

hereby orders as follows:

(1) Case 289/85 is removed from the Register of the Court.

(2) The parties shall bear their own costs.

Luxembourg, 16 December 1987.

P. Heim
Registrar

A. J. Mackenzie Stuart
President