ORDER OF THE COURT
25 SEPTEMBER 1963[1]

Application for authorization to notify the European Economic Community of an assignment of salary

Case 85/63

In Case 85/63

Application for authorization to notify the European Economic Community of an assignment of salary;

THE COURT

composed of: A. M. Donner, President, L. Delvaux and R. Lecourt (Presidents of Chambers), Ch. L. Hammes, R. Rossi, A. Trabucchi and W. Strauß, Judges,

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

hereby makes the following

ORDER

Whereas, by an application dated 16 August 1963, Grands Magasins à l'Innovation S.A., of 111 rue Neuve, Brussels, has requested the authorization of the Court to notify the European Economic Community of an assignment of salary in its favour by Mrs Yvo Cencini, née Edda Danesi, an official of the Commission of the said Community, in view of the fact that, under Article 1 of the Protocol on the Privileges and Immunities of the European Economic Community, such an assignment, by its notification to the third party whose debt is assigned would constitute a measure of constraint affecting the property and assets of the Community;

Whereas, however, under Articles 1689 et seq. of the Belgian Civil Code, which is applicable in this case, the obligation is unchanged by assignment and continues in full in the person of the debtor together with all the obligations subsidiary thereto and any pleas which may be available between the debtor and the assignor;

1 — Language of the Case: French.

Whereas, for this reason, notification of the assignment to the person whose debt is assigned cannot constitute an bstacle to the functioning of the Community institutions, and whereas therefore there are no grounds for authorization by the Court;

Whereas the application of the applicant should therefore be dismissed;

Upon reading the pleadings;
Upon reading the written observations of the Commission of the European Economic Community;
Upon hearing the opinion of the Advocate-General;
Having regard to Article 1 of the Protocol on the Privileges and Immunities of the European Economic Community;

Now therefore

THE COURT

rules that there are no grounds for granting the authorization sought; and orders the applicant to pay the costs of the proceedings.

Luxembourg, 25 September 1963.

On behalf of the President

A. Van Houtte
Registrar

L. Delvaux
President of Chamber