require amendments to be made to the agreement notified. Those amendments may be designed not only to remove certain clauses but also to supplement or extend the scope of the agreement in question.

3. The Commission must be able, within the bounds of the supervisory task conferred upon it in competition matters by the Treaty and Regulation No 17, to take protective measures to the extent to which they appear indispensable in order to prevent its subsequent decision from becoming ineffective. It is nevertheless necessary for those interim measures to be taken only in cases of proven urgency, in order to prevent the occurrence of a situation likely to cause grave and irreparable harm to the party applying for their adoption or intolerable damage to the public interest. The measures must be of a temporary and conservatory nature and must be limited to what is necessary in the given situation.

In Joined Cases

229/82 R,

FORD WERKE AG, 2 Ottoplatz, 5000 Cologne 21, Federal Republic of Germany, represented by P. Sambuc, Rechtsanwalt, of Messrs Boden, Oppenhoff & Schneider, Rechtsanwälte, 10 Burgmauer, 5000 Cologne, with an address for service in Luxembourg at the office of J.-C. Wolter, Advocate, 2 Rue Goethe,

and

228/82 R

FORD OF EUROPE INCORPORATED, a company governed by the laws of the State of Delaware, United States of America, having its registered office at 100 West 10th Street, Wilmington, County of Newcastle, in the State of Delaware, United States of America, represented by Jeremy Lever, QC, and Christopher Vajda, both of Gray's Inn, instructed by P. G. H. Collins, solicitor, of Messrs Lovell, White & King, 21 Holborn Viaduct, London EC1A 2DY, and 44 Avenue des Arts, Boite 2, 1040 Brussels, with an address for service in Luxembourg at the Chambers of J.-C. Wolter, Advocate, 2 rue Goethe,

applicants,

v

COMMISSION OF THE EUROPEAN COMMUNITIES, 200 Rue de la Loi, 1040 Brussels, Belgium, represented by its Legal Adviser, John Temple Lang,

with an address for service in Luxembourg at the office of Oreste Montalto, a member of the Commission's Legal Department, Jean Monnet Building, Kirchberg,

defendant,

supported by

BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS (BEUC) [European Office of Consumer Unions], an international association governed by Belgian law, established by Royal Decree of 6 March 1981 and having its office at 29 Rue Royale, 1040 Brussels, represented by Stanley A. Crossick, solicitor, 34 Avenue de la Renaissance, Boite 12, 1040 Brussels, with an address for service in Luxembourg at the Chambers of E. Arendt, 34b Rue Philippe-II,

intervener,

APPLICATIONS under Article 185 of the EEC Treaty for the suspension of the operation of the Commission's decision of 18 August 1982 (IV/30.696 — Distribution system of Ford Werke AG — Interim measure),

THE PRESIDENT OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

makes the following

ORDER

I — Summary of the facts

Ford of Europe Incorporated is part of the Ford group, within which it coordinates economic activity among the European companies forming the group. One of those companies, Ford Werke AG (hereinafter referred to as "Ford AG") constructs vehicles of which some are sold on the market of the Federal Republic of Germany and others are exported, in particular to certain Member States, where they are marketed by other undertakings in the group.

In order to implement its sales programme on the German market, Ford AG has established a selective distribution system governed by a "Haupthandler-Vertrag" [main dealer agreement] between it and its German distributors. That agreement was notified to the Commission on 14 May 1976 in accordance with Article 4 of Regulation No 17 of the Council of 6 February 1962 with a view to obtaining negative clearance in accordance with Article 2 of that regulation or, in the alternative, an exemption under Article 85 (3) of the

EEC Treaty. Notwithstanding the contacts established between Ford AG and the Commission since that time, the Commission had still not taken a formal decision regarding that agreement by May 1982. Accordingly, no individual exemption had been granted in respect of that agreement under the procedure provided for in Article 6 of Regulation No 17 but, on the other hand, it had not been decided that the distribution system notified to the Commission constituted an infringement of Article 85 (1) or that, if it had constituted such an infringement, the system might not be the subject of an exemption granted pursuant to Article 85 (3).

Furthermore, Ford AG manufactures right-hand drive vehicles and sells them directly to Ford Motor Company Limited (hereinafter referred to as "Ford Britain") and to Henry Ford and Son Limited ("Ford Ireland") for marketing in the United Kingdom and Ireland. Ford AG's sales to Ford Britain represent a considerable percentage of its production (between 43.7% and 63.1% of the total number of vehicles sold during the period 1979 to 1981).

Until 1 May 1982 a number of right-hand drive vehicles, some constructed to British specifications and others constructed to German specifications, were also sold in the Federal Republic of Germany. The demand for right-hand drive vehicles in the Federal Republic of Germany, which until 1979 was low, increased considerably because the prices on the German market became considerably lower than those on the United Kingdom market, which partly as a result of monetary fluctuations, was the reverse of the situation obtaining previously.

Ford AG and the Commission give conflicting descriptions of the conditions on which right-hand drive vehicles are marketed and the channels through which they are distributed in the Federal Republic of Germany. According to *Ford AG*, those vehicles have never been included in the sales programme for the German domestic market. They were delivered either under the "Visit Europe Plan", in most cases directly to consumers and in exceptional cases through a German distributor who then received an agency commission or against orders from German distributors, under the "Special-Vehicle Ordering (SVO)" system for vehicles which do not form part of its sales programme but in respect of which it applies the conditions of the Haupthändler-Vertrag to orders, when it is in a position to fulfil them. It seems, according to the clarifications supplied at the hearing, that the "Visit Europe Plan" is largely concerned with right-hand drive vehicles constructed to British specifications and that the "SVO" system is concerned almost exclusively with vehicles constructed to German specifications.

According to the *Commission* on the other hand those vehicles are ordinary series-production vehicles ("normale Serienausführungen") as provided for in the Haupthändler-Vertrag which were marketed under the distribution system notified to the Commission. At the hearing the Commission nevertheless clarified its position by acknowledging that right-hand drive vehicles constructed to British specifications were not included in the sales programme for Germany, but it maintained its point of view regarding right-hand drive vehicles constructed to German specifications.

By a circular of 27 April 1982, Ford AG informed the German Ford distributors that after 1 May 1982 it would no longer accept any orders which those distributors might place with it for right-hand drive vehicles and that the "Visit Europe Plan" was to be maintained only for left-hand drive vehicles. Orders for right-hand drive vehicles placed by tourists, diplomats and people travelling on business would in the future have to be

taken by Ford Personal Import and Export Ltd, London.

Following the circular of 27 April 1982 and after carrying out investigations at the premises of Ford AG on 13 and 14 May 1982, the Commission decided on 2 July 1982 "to initiate a proceeding under Article 85 of the Treaty" and sent a statement of objections to Ford AG. After hearing the parties on 23 July 1982, in accordance with Article 19 (1) and (2) of Regulation No 17, the Commission adopted on 18 August 1982 a decision headed "IV/30.696 — Distribution system of Ford Werke AG — Interim measure". That decision was notified to Ford AG on 27 August 1982.

Pursuant to Article 1 of that decision, Ford AG is required to withdraw its circular. By virtue of the same article, it is required to inform German Ford dealers that right-hand drive vehicles still form part of the company's agreed delivery range and is to refrain for the future from taking any measures having the same effect as the circular. The decision is to enter into force 10 days after notification and, by virtue of Article 3 thereof, is to apply until adoption of the decision concluding the proceeding. According to Article 2 of the decision, a periodical penalty payment of 1 000 European currency units is to be imposed on Ford AG for each day of delay in its fulfilment of the obligations laid down in Article 1 of the decision.

In the statement of the grounds on which the decision is based, it is indicated that the decision is a temporary and conservatory measure which is without prejudice to the measure to be adopted by the Commission to terminate the infringement in accordance with Article 3 (1) of Regulation No 17. The decision is based on the view that it is highly probable that the Hauptnandler-Vertrag is incompatible with the prohibitions contained in Article 85 (1) and that, by reason of the measures contained in the circular of 27 April 1982, it will not qualify for an exemption under Article 85 (3). It is stated that the decision, as already indicated in the statement of objections, constitutes an analogous application of Article 8 (3) of Regulation No 17.

By applications received at the Court Registry on 3 September 1982, Ford of Europe Incorporated and Ford AG (hereinafter referred to as "the applicants"), brought two actions both seeking a declaration that the Commission's decision of 18 August 1982 is void. By separate documents, received on the same day at the Court Registry, the applicants submitted, pursuant to Article 185 of the EEC Treaty and Article 83 (1) of the Rules of Procedure, two applications for the suspension of the operation of the contested decision.

By order of 6 September 1982, made pursuant to Article 84 (2) of the Rules of Procedure, the President of the Court suspended the operation of Articles 1 and 2 of the contested decision as a conservatory measure in Case 229/82 R *Ford Werke AG* v *Commission* pending the marking of an order concluding the proceedings regarding the application for the adoption of interim measures in Case 229/82 R.

II — Written procedure

In their applications in the main proceedings, the applicants claim that the Court should

(a) under Article 173 of the Treaty, review the legality of the decision;

(b) under Article 174 of the Treaty, declare the decision void;

(c) under Article 176 of the Treaty, require the Commission to take the necessary measures to comply with the judgment of the Court of Justice;

(d) order the Commission to pay the costs;

(e) order any further or other relief which the Court may consider appropriate.

In the applications for the adoption of interim measures, they claim that the Court should:

(a) (i) suspend the operation of the decision in Case IV/30.696 until judgment by the Court on the applicants' main applications or until further order by the Court, such suspension to take effect from the date of notification of the decision to Ford AG;

(ii) suspend the operation of the decision in Case IV/30.696 in any event if the Court feels that it requires a period of time to consider the application relating thereto, until final determination of the application for a suspension or until further order of the Court;

(b) order the Commission to pay the costs;

(c) order any further or other relief which the Court may consider appropriate

By a document received at the Court Registry on 17 September 1982, the defendant replied to the applications for suspension of the operation of its decision and claimed that the Court should dismiss those applications and order the applicants to pay the costs.

In support of their applications for the adoption of interim measures, the *applicants* claim that the interim measure constituted by the contested decision is entirely novel and that the legal basis upon which the Commission relies for its decision is without foundation. In that regard they claim essentially in the first place that unilateral acts by undertakings which do not hold a dominant position do not infringe Article 85 (1) of the Treaty and that therefore the Commission has no power to prohibit them. They add that the supply by a manufacturer of all its products to all its dealers does not constitute a prerequisite for an exemption for a distribution system under Article 85 (3) of the Treaty and that the Commission has no power to require an undertaking positively to satisfy a prerequisite for an exemption, especially where no exemption has yet been granted. They also allege that the Commission has failed to observe the conditions laid down by the Court in Case 792/79 R *Camera Care Limited* v *Commission* [1980] ECR 119 for the valid exercise of the power conferred upon it by Article 3 (1) of Regulation No 17 to adopt interim measures in exceptional cases. Moreover, for the reasons set out in the main applications, the contested decision should in any event be declared void for grave procedural irregularities.

The applicants claim, moreover, that the decision is causing grave and irreparable harm to the Ford Group and to third parties whose interests have not been considered by the Commission either properly or at all. According to the applicants, such harm cannot be avoided otherwise than by suspension of the operation of the contested measure and such suspension is a matter of urgency.

The applicants also allege that the decision, being a provisional and mandatory order, is insufficiently precise as regards the obligations which it imposes.

In its observations in response to the applications for the adoption of interim measures, the *defendant* claims that even if the refusal to accept orders for right-hand drive vehicles does not in itself constitute the equivalent of an agreement or practice prohibited by Article 85 (1) of the EEC Treaty, the measure adopted by Ford AG on 27 April 1982 is sufficient to exclude the possibility of an exemption pursuant to Article 85 (3) for agreements which, for other reasons, are prohibited by Article 85 (1). The Commission is therefore authorized to adopt interim measures, either pursuant to Article 15 (6) of Regulation No 17 or on the basis of the considerations expounded in the order of the Court of 17 January 1980 in Case 792/79 R *Camera Care Limited* v *Commission* [1980] ECR 119. The Commission acknowledges, however, that it would have no power to adopt such measures if Ford agreed to amend the provisions of the distribution agreement notified in 1976 which are incompatible with the prohibition laid down in Article 85 (1). The defendant also contends that, as the interim measure was one which it was empowered to adopt, the grounds relied upon in the main applications do not have sufficient foundation to enable the Court to grant the suspension of its operation as requested. Moreover, the applicants have not furnished proof of the damage suffered by them as a result of the contested decision. They do not show in any event that that damage exceeds the normal consequences of the normal application of the competition rules in the Treaty. On the other hand, the practice followed by Ford AG, which has been prohibited by the Commission, causes specific, immediate and considerable damage to consumers. The Commission therefore, in its examination of the legitimate interests of the parties concerned and of the urgency of intervention by it, has proceeded with sufficient care to enable interim measures to be adopted. The defendant contends that its decision is sufficiently precise and that the references in the applications for the adoption of interim measures to the main applications are contrary to Article 83 (3) of the Rules of Procedure.

By way of information, it adds that on 24 August 1982 it sent a statement of objections to Ford which is intended to lead to a definitive decision on the application for an exemption under Article 84 (3) of the EEC Treaty.

By orders of the President of the Court of 21 and 22 September 1982, the Bureau Européen des Unions de Consommateurs (BEUC) was allowed to intervene in support of the Commission's conclusions in the oral procedure relating to the applications for the adoption of interim measures. Applications to intervene in support of the applicants' conclusions, from James A. Laidlaw (Holdings) Limited and Stormont Limited, were dismissed.

III — Oral procedure

The parties to the proceedings, having been duly summoned to appear, presented oral argument at the hearing of the applications for the adoption of interim measures on 23 September 1982.

Decision

1 By circular of 27 April 1982 Ford Werke AG informed its German distributors that after 1 May 1982 it would no longer accept any orders for right-hand drive vehicles placed with it by those distributors and that the "Visit Europe Plan" was to be maintained only for left-hand drive vehicles. The Commission considered that that development prevented it from granting the application for negative clearance, or for an exemption under Article 85 (3) of the EEC Treaty, which had been submitted to it in 1976 by Ford Werke AG when the latter notified the Haupthändler-Vertrag [main dealer agreement] between it and its German distributors. Within the framework of its examination of that application, it adopted an interim decision on 18 August 1982 requiring Ford Werke AG to resume deliveries of the vehicles referred to in the circular. Ford Werke AG and Ford of Europe Incorporated both brought actions for a declaration that that decision was void and applied for the adoption of an interim measure suspending its operation.

2 The applications in Case 228/82 R *Ford of Europe Incorporated* v *Commission of the European Communities* and Case 229/82 R *Ford Werke AG* v *Commission of the European Communities* have the same subject-matter and it is therefore appropriate to join the cases and to make an order in respect of both applications.

3 According to Article 185 of the Treaty, actions brought before the Court of Justice do not have suspensory effect. The Court may, however, as follows from that provision read in conjunction with Article 83 (2) of the Rules of Procedure of the Court, if it considers that the circumstances so require, direct that the operation of contested measures be suspended. It may also, pursuant to Article 186 of the Treaty, prescribe any necessary interim measures.

4 It is clear from the consistent case-law of the Court that measures of this nature cannot be considered unless the factual and legal grounds relied on to obtain them establish a *prima facie* case for granting them. In addition there must be urgency in the sense that it is necessary for the measures to be issued and to take effect before the decision of the Court on the substance of the case in order to avoid serious and irreversible damage to the party seeking them. Finally they must be provisional in the sense that they do not prejudge the decision on the substance of the case.

5 In support of their applications, the applicants claim in essence that they are justified:

(a) because the contested decision has no legal basis;

(b) because the implementation of it before the Court has given its decision in the main actions is likely to cause the applicants grave and irreparable harm.

A — Ford Werke AG's application for suspension of the operation of the decision

6 The decision contested in the main action was adopted as an interim measure when the Commission was considering what course to follow regarding the notification to it in 1976 of the distribution agreement between Ford Werke AG and its distributors in the Federal Republic of Germany and regarding the related application for negative clearance, or for an exemption pursuant to Article 85 (3).

7 That agreement relates to the distribution of Fiesta, Escort, Taunus, Capri and Granada models in the Ford range. Although the parties differ as to whether the agreement also relates to right-hand drive vehicles of those models, it appears from their statements during the hearing, with a degree of probability sufficient for the purposes of this order, that right-hand drive vehicles produced by Ford Werke AG were distributed, in any event partly, to satisfy orders placed by its distributors in the Federal Republic of Germany, in the case of right-hand drive vehicles constructed to German specifications. On the other hand, it is equally probable that the situation was different in the case of the same vehicles but constructed to British specifications.

8 It is incontestable that the procedure followed by the Commission raises delicate questions regarding the exact scope of its powers under the various provisions of Regulation No 17. There is no doubt that the Commission has authority, when required to decide upon an application for exemption under Article 85 (3), to make such exemption subject to certain conditions and to require amendments to be made to the agreement notified. Those amendments may be designed not only to remove certain clauses but also to supplement or extend the scope of the agreement in question. Whilst the

Commission is not *prima facie* prevented, when examining an application for an exemption in respect of a distribution network, from making the grant of the exemption conditional upon extension of the range of products distributed, the fact remains that certain questions arising in these proceedings may give rise to serious dispute. Moreover, the objections which it is possible to raise regarding the procedure selected by the Commission cannot be rejected without further consideration.

9 The foregoing considerations do not, however, of themselves justify the suspension of the operation of the contested decision and it is appropriate to consider in addition whether, as affirmed by the applicant, the upholding of that decision pending judgment by the Court is likely to cause it serious and irreparable damage.

10 In that respect, the applicant states by way of a preliminary observation that it is part of the Ford group, to which Ford Britain also belongs, and that the assessment of the damage which it claims will occur must take into account the interests of the group as a whole and especially the interests which Ford Werke AG and Ford Britain have in common and which derive in particular from the fact that Ford Britain is by a clear margin Ford Werke AG's largest customer. Without prejudice to the judgment to be given in the main action, that view may be accepted, at the stage of the application for the adoption of interim measures, as being a necessarily provisional, but reasonable, appraisal of the interests involved.

11 Moreover, an evaluation of the factors capable of justifying suspension of the operation of the contested measure, by reason of the damage to which the latter is likely to give rise, must take account of the fact that that measure is in itself an interim measure adopted by the Commission in the course of an investigation which has not yet been concluded.

12 The Commission agrees with the finding that the contested interim decision, by requiring the applicant to supply part of the United Kingdom car market with right-hand drive Ford vehicles through German distributors and at the German market price is of such a nature as to lead Ford Britain to lower the prices of vehicles of the same type or of a similar type produced by that company itself or purchased by it directly from Ford Werke AG. The

Commission acknowledges that that is the aim of its action and emphasizes that its aim is inspired by the interests of consumers. It adds that the expected price reduction would be merely the consequence of normal competition and would therefore be in conformity with the objectives of the Treaty whose attainment the Commission must ensure, in particular by implementing Article 85.

13 As the Court stated in its order of 17 January 1980 in Case 792/79 R *Camera Care Limited*, the Commission must be able, within the bounds of the supervisory task conferred upon it in competition matters by the Treaty and Regulation No 17, to take protective measures to the extent to which they might appear indispensable in order to prevent its final decision from becoming ineffective. It is nevertheless necessary for those interim measures to be taken only in cases of proven urgency, in order to prevent the occurrence of a situation likely to cause serious and irreparable damage to the party applying for their adoption or intolerable damage to the public interest. The measures must be of a temporary and conservatory nature and must be limited to what is necessary in the given situation.

14 There is a serious risk that the detrimental effects of the contested decision might, if it were put into operation immediately, exceed those of a conservatory measure and in the meantime cause damage considerably in excess of the inevitable but short-lived disadvantages arising from such a measure. It is therefore appropriate to suspend the operation of the contested decision in a manner such that it is brought within the bounds of a measure which maintains the situation which had come into being immediately before 27 April 1982, by keeping the flow of trade in question at approximately the same level as it had attained on that date. That level was not yet, as the applicant has admitted, of such a nature as to bring about the economic effects of which it declares itself to be apprehensive and which it considers itself entitled to prevent.

15 That result may be obtained by requiring Ford Werke AG to continue to fulfil orders from German distributors for right-hand drive vehicles, but only for an aggregate number of vehicles limited, as a temporary measure, to the level indicated above.

16 It appears nevertheless appropriate in that respect to draw a distinction between the various kinds of right-hand drive vehicles referred to in the circular of 27 April 1982. It is apparent from the statements made during the hearing that Ford Britain does not produce Capri and Granada models or the Escort Ghia and Escort XR3 models which it purchases only from Ford Werke AG. It may be reasonably considered that the effect of parallel imports of those vehicles or types of vehicles will be a matter of less concern than the importation of vehicles of the kinds produced both by Ford Britain and Ford Werke AG. That view must in any case be upheld in the case of the Capri and Granada models.

17 Moreover, the Commission admitted in the course of the hearing that it is at least doubtful whether the delivery of right-hand drive vehicles constructed to British specifications was included in the sales programme referred to in the Haupthändler-Vertrag. It is therefore appropriate to suspend in its entirety the operation of the contested decision as regards that category of vehicles, on the understanding, however, that if Ford Werke AG were to decide to continue to manufacture right-hand drive vehicles constructed to British specifications but to terminate production or delivery of those same vehicles or models constructed to German specifications, in order to avoid the effects of this order, it would lay itself open to the charge of having failed to comply with this order.

18 It is therefore appropriate:

(a) to suspend the operation of Article 1 of the Commission Decision of 18 August 1982 (IV/30.696 — Distribution system of Ford Werke AG — Interim measure) in so far as it requires Ford Werke AG to deliver right-hand drive vehicles, constructed to British specifications, in the Federal Republic of Germany, either directly or through the intermediary of its German distributors, or to execute orders placed by the latter;

(b) to maintain the operation of the said provision as regards the requirement that Ford Werke AG shall execute orders placed by its German distributors in the same conditions as prior to 1 May 1982 for right-hand drive vehicles, constructed to German specifications, of Fiesta, Escort, Taunus, Capri and Granada models or of other models incorporated in the sales programme to which the Haupthändler-Vertrag relates, so, however, that the scope of that requirement shall be restricted inasmuch as it shall be limited to a total annual delivery of 4 800 vehicles

and that the 4 800 vehicles shall be distributed amongst the various models in proportions substantially the same as prior to 27 April 1982 and delivered at reasonable intervals of time;

(c) in respect of Granada and Capri vehicles, to increase by 20% the delivery requirement determined under subparagraph (b) above, such supplementary quota to be in addition to the figure of 4 800 vehicles referred to above;

(d) to direct that the delivery requirement as so limited shall apply until a decision is taken by the Commission terminating the administrative proceedings pending or until delivery of the judgment in the main proceedings;

(e) to order the Commission to supervise the operation of this order and to order the applicants to furnish the Commission, on first being requested so to do, with all evidence in this respect and also to order the applicants to supply to the Commission and to the President of the Court monthly, beginning on 1 November 1982, statistics of orders received and deliveries effected for each model;

(f) for the rest, to dismiss the applications for the adoption of interim measures.

B — The application by Ford of Europe Incorporated

14 At this stage of the proceedings it does not appear necessary, in order to avoid the damage to which Ford AG has referred, to uphold the application as formulated by Ford of Europe Incorporated

C — Costs

15 At this stage it is appropriate that the costs be reserved.

On those grounds,

THE PRESIDENT,

by way of interim decision,

hereby orders as follows:

1. The operation of Article 1 of the Commission Decision of 18 August 1982 (IV/30.696 — Distribution system of Ford Werke AG — Interim measure) is suspended in so far as it requires Ford Werke AG to deliver right-hand drive vehicles, constructed to British specifications, in the Federal Republic of Germany, either directly or through the intermediary of its German distributors, or to execute orders placed by the latter.

2. The operation of the said provision is maintained as regards the requirement that Ford Werke AG shall execute orders placed by its German distributors in the same conditions as prior to 1 May 1982 for right-hand drive vehicles, constructed to German specifications, of Fiesta, Escort, Taunus, Capri and Granada models or of other models incorporated in the sales programme to which the Haupthändler-Vertrag relates, so, however, that the scope of that requirement shall be restricted inasmuch as it shall be limited to a total annual delivery of 4 800 vehicles. The 4 800 vehicles shall be distributed amongst the various models in proportions substantially the same as prior to 27 April 1982 and delivered at reasonable intervals of time.

3. In respect of Granada and Capri vehicles the delivery requirement as determined in paragraph (2) shall be increased by 20%. This supplementary quota shall be in addition to the figure of 4 800 vehicles referred to above.

4. The delivery requirement as so limited shall apply until a decision is taken by the Commission terminating the administrative proceedings pending or until the delivery of the judgment in the main proceedings.

5. The Commission is requested to supervise the operation of this order and the applicants shall furnish it on first being requested to so do with all evidence in this respect. Furthermore the applicants shall supply to the Commission and to the President of the Court monthly, beginning on 1 November 1982, statistics of orders received and deliveries effected on each model.

6. For the rest, the applications for the adoption of interim measures are dismissed.

7. The costs are reserved.

Luxembourg, 29 September 1982.

P. Heim
Registrar

J. Mertens de Wilmars
President