

ORDER OF THE PRESIDENT OF THE COURT

of 14 December 2001

in Case C-404/01 P (R): Commission of the European Communities v Euroalliages and Others⁽¹⁾*(Appeal — Order of the President of the Court of First Instance given in proceedings for interim measures — Dumping — Decision terminating expiry review — Urgency — Damage of a pecuniary nature - Uncertainty as to its subsequent reparation by means of an action for damages)*

(2002/C 118/26)

*(Language of the case: French)**(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-404/01 P (R): Commission of the European Communities (Agents: V. Kreuzschitz and S. Meany, assisted by A.P. Bentley, Barrister), supported by TNC Kazchrome, established at Almaty (Kazakhstan), and Alloy 2000 SA, established in Luxembourg (lawyers: J.E. Flynn, Barrister, J. Magnin and S. Mills, Solicitors), — appeal against the order of the President of the Court of First Instance of the European Communities of 1 August 2001 in Case T-132/01 R Euroalliages and Others v Commission, not yet published in European Court Reports, seeking to have that order set aside, the other parties to the proceedings being Euroalliages, established in Brussels (Belgium), Péchiney Electrométallurgie, established in Courbevoie (France), Vargön Alloys AB, established in Vargön (Sweden) and Ferroatlántica, established in Madrid (Spain) (lawyers: D. Voillemot and O. Prost, supported by Kingdom of Spain (Agent: L. Fraguas Gadea) — the President of the Court made an order on 14 December 2001, the operative part of which is as follows:

1. *The order of the President of the Court of First Instance of 1 August 2001 in Case T-132/01 R Euroalliages and Others v Commission is set aside.*
2. *The case is referred back to the Court of First Instance.*
3. *Costs are reserved.*

⁽¹⁾ OJ C 331 of 24.11.2001.

Reference for a preliminary ruling by the Tribunal de Paix, Luxembourg, by judgment of that court of 28 February 2002 in the case of Tilly Reichling against Léon Wampach; intervener: Etablissement d'assurances contre la vieillesse et l'invalidité

(Case C-69/02)

(2002/C 118/27)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Paix, Luxembourg, of 28 February 2002, which was received at the Court Registry on 1 March 2002, for a preliminary ruling in the case of Tilly Reichling against Léon Wampach; intervener: Etablissement d'assurances contre la vieillesse et l'invalidité on the following questions:

1. Must Article 6(3) of the Brussels Convention be interpreted as meaning that an action for enforcement of a judicial decision, necessarily involving in accordance with procedural rules under domestic law the intervention of a court of law, may be regarded as an original claim based on a contract or on facts? May an original claim based on the enforcement of a judgment declaring and fixing entitlement to maintenance be considered to be based on a contract or facts within the meaning of Article 6(3)? May an original claim seeking enforcement of an entitlement to maintenance be considered to be based on a contract or facts within the meaning of Article 6(3)?
2. Must the expression 'arising from the same contract or facts on which the original claim was based' in Article 6(3) of the Brussels Convention be considered to be more restrictive than the expression 'related actions' used in the third paragraph of Article 22 of the Brussels Convention?
3. Where the court which is to hear and determine the original claim has jurisdiction under Article 16(5) of the Brussels Convention without that original claim requiring that court to adjudicate on the substance of the relationship between the parties to the dispute, does Article 6(3) of the Brussels Convention make it possible for a defendant to bring before that court a counter-claim concerning the legal substance, whereas if it had submitted that claim by way of an independent action, it would have fallen, under the terms of the Brussels Convention, within the jurisdiction of the courts of another Contracting State?