

ORDER OF THE COURT

17 June 1987*

In Case 1/87 SA

APPLICATION for authorization to serve a garnishee order upon the Commission of the European Communities,

THE COURT,

composed of: Y. Galmot, President of Chamber, acting as President, C. Kakouris, T. F. O'Higgins and F. Schockweiler, Presidents of Chambers, G. Bosco, T. Koopmans, O. Due, U. Everling, K. Bahlmann, R. Joliet and J. C. Moitinho de Almeida, Judges,

Advocate General: J. L. da Cruz Vilaça

Registrar: P. Heim

makes the following

Order

- 1 By an application lodged at the Court Registry on 16 February 1987, Universe Tankship Company Incorporated, a company governed by Liberian law, whose registered office is at King House, Broad Street, Monrovia, Liberia, assisted and represented by R. O. Dalcq, of the Brussels Bar, 56 avenue F. Roosevelt, 1050 Brussels, with an address for service in Luxembourg at the Chambers of J. Loesch, 8 rue Zithe, applied, pursuant to Article 1 of the Protocol on the Privileges and Immunities of the European Communities, for authorization to serve a garnishee order upon the Commission in respect of all sums owed by the Commission to the Belgian State for any reason whatsoever and in particular in respect of rent.

* Language of the Case: French.

- 2 Under Article 1 of the Protocol on the Privileges and Immunities of the European Communities, 'the property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorization of the Court of Justice'. The purpose of that provision is to prevent any interference with the functioning and independence of the Communities.
- 3 Since the Court's authorization for administrative or legal measures of constraint to be taken is required only with a view to safeguarding the privileges and immunities of the European Communities, the jurisdiction of the Court must, with respect to garnishee orders, be confined to considering whether such measures are likely, in view of the effects which they have under the applicable national law, to interfere with the proper functioning and the independence of the European Communities. For the rest, garnishee proceedings are governed entirely by the applicable national law.
- 4 The extent of the legal protection provided by the procedure for authorization by the Court would be greater than that which the procedure is designed to ensure if the institution to which the garnishee order was addressed did not consider that there were any grounds for opposing it.
- 5 Consequently, it is only in cases where the Community institution concerned objects that the intended garnishee order might interfere with the functioning and independence of the Communities that a creditor is entitled to apply to the Court for authorization pursuant to Article 1 of the said protocol.
- 6 In the present case, in its observations submitted to the Court on 26 February 1987, the Commission of the European Communities stated that it had no objections regarding the garnishee order for which the applicant seeks authorization.
- 7 Accordingly, at the present stage of the proceedings instituted by the applicant, the application for authorization is devoid of purpose.

On those grounds,

THE COURT

hereby orders:

- (1) There is no need to give a decision on the application;**
- (2) The applicant shall bear the costs.**

Luxembourg, 17 June 1987.

P. Heim
Registrar

Y. Galmot
President of Chamber
acting as President