

ORDER OF THE COURT

10 January 1995 *

In Case C-1/94 SA,

Dupret SA, a company governed by Belgian law which is in liquidation, represented by Georges-Albert Dal, of the Brussels Bar, receiver, 18 Rue de l'Aurore, 1050 Brussels,

applicant,

v

Commission of the European Communities, represented by S. Van Raepenbusch, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, of its Legal Service, Wagner Centre, Kirchberg,

defendant,

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

THE COURT,

composed of: G. C. Rodríguez Iglesias, President, F. A. Schockweiler, P. J. G. Kapteyn, C. Gulmann (Presidents of Chambers), G. F. Mancini,

* Language of the case: French.

C. N. Kakouris, J. C. Moitinho de Almeida, J. L. Murray, D. A. O. Edward (Rapporteur), A. M. La Pergola and J.-P. Puissochet, Judges,

Advocate General: C. O. Lenz,
Registrar: R. Grass,

after hearing the Advocate General,

makes the following

Order

- 1 By an application lodged at the Court Registry on 13 June 1994, Georges-Albert Dal, of the Brussels Bar, acting as receiver for Dupret SA, a company governed by Belgian law, applied, pursuant to Article 1 of the Protocol on the Privileges and Immunities of the European Communities ('the Protocol'), for authorization to serve a garnishee order upon the Commission in respect of the sum owed by the Commission to the Belgian State following a judgment of the Tribunal de Première Instance (Court of First Instance), Brussels, of 26 November 1990 concerning the amount owed by the Commission to the Belgian State in respect of rent.

- 2 Under Article 1 of the Protocol, '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 It is apparent from the case-law of the Court (see in particular the order in Case 1/87 S A *Universe Tankship v Commission* [1987] ECR 2807 and the judgment in Case C-182/91 *Forafrique Burkinabe v Commission* [1993] ECR I-2161) that if, where a creditor has requested the Court to lift the immunity granted by Article 1 of the Protocol, the Community institution concerned states that it has no objections regarding the measure of constraint, the application for authorization becomes devoid of purpose and need not be considered by the Court.

4 In this case, the Commission, in its observations lodged at the Court on 7 July 1994, has stated that it has no objections as regards the measure of constraint for which the applicant seeks authorization.

5 Consequently, 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. Each party is to bear its own costs.

Luxembourg, 10 January 1995.

R. Grass

Registrar

G. C. Rodríguez Iglesias

President