

JUDGMENT OF THE COURT
13 JUNE 1958¹

Meroni & Co., Industrie Metallurgiche, S.p.A.
v High Authority of the European Coal and Steel Community

Case 9/56

Summary

1. *Procedure — Application for annulment — Objection of illegality — Scope of Article 36 of the Treaty*

The third paragraph of Article 36 of the Treaty does not contain a special rule, applicable only in the case of pecuniary sanctions and periodic penalty payments, but a general principle, emphasized in that article, because it is to be applied to the particular case of an action in which the Court has unlimited jurisdiction. The fact that the principle is expressly stated in the said article does not exclude the application of the same principle in cases in which it is not expressly stated

(Treaty, Articles 33, 36).

2. *Procedure — Application for annulment — Objection of illegality — Annulment of an individual implementing decision — Effects*

The illegality of the general decision on which an individual decision is based can lead only to the annulment of the individual decision.

3. *Procedure — Application for annulment — Objection of illegality — Annulment of an individual implementing decision — Grounds*

An applicant may put forward the four grounds of annulment set out in the first paragraph of Article 33 for the purpose of contesting the legality of the general decision on which the individual decision in dispute is based

(Treaty, Article 33).

4. *Decisions of the High Authority — Statement of reasons — Extent of the duty to state reasons*

Decisions of the High Authority adopted in application of Article 92 of the Treaty must contain an exact and detailed statement of all the individual items comprised in the claim, payment of which they make enforceable. Only an account of that kind can make possible a review by the Court

(Treaty, Articles 15, 92).

5. *Decision of the High Authority — Statement of reasons — Extent of the duty to state reasons in the particular case of an assessment by the Fund on its own authority*

The decision of the High Authority ought to have stated that the payment claimed by the Ferrous Scrap Equalization Fund was based on a lump-sum estimate. It ought to have re-

¹ — Language of the Case: Italian.

ferred to the provisions allegedly giving the Fund the power to make an assessment on its own authority. It ought to have rendered it possible for the debtor to understand the circumstances in which his debt had been calculated
(Treaty, Articles 15, 92).

6. *Duty to publish and professional secrecy*

Information collected by cooperative bodies representing a significant proportion of the undertakings concerned cannot be regarded as secret within the meaning of Article 47 of the Treaty. Therefore such information is not covered by professional secrecy and the provisions of Articles 5 and 47, relating to its publication, are applicable
(Treaty, Articles 5, 47).

7. *Assessments effected by a body on its own authority and provisional estimates*

Any procedure for making assessment by a body on its own authority and for provisional estimates must be subject to precise rules, so as to exclude any arbitrary decisions and to render it possible to review the data used.

8. *Delegation of powers — Limits*

A delegating authority cannot confer upon the authority receiving the delegation powers different from those which it has itself received under the Treaty (general principle).

The High Authority's power to authorize or itself make the financial arrangements referred to in Article 53 of the Treaty gives it the right to entrust certain powers, on conditions to be determined by it and subject to its supervision, to bodies established under private law, having a distinct legal personality and possessing powers of their own.

However, such a delegation of powers can only involve clearly defined executive powers, the use of which must be entirely subject to the supervision of the High Authority
(Treaty, Articles 3, 53, 65).

9. *Delegation of powers — Necessity for an express decision*

A delegation of powers cannot be presumed. Even when empowered to delegate its powers the delegating authority must take an express decision transferring them.

10. *Delegation of powers — Discretionary power*

To delegate a discretionary power to bodies other than those which the Treaty has established to effect and supervise the exercise of such power each within the limits of its own authority, would render less effective the guarantee resulting from the balance of powers established by Article 3
(Treaty, Article 3).

11. *Delegation of powers — Right of veto on the part of the delegating authority*

In reserving to its permanent representative on the Brussels agencies the power to make any decision subject to the approval of the High Authority, the latter did not retain sufficient powers for the delegation resulting from Decision Nos 14/55 to be contained within the limits defined above.