



ORDER OF THE PRESIDENT OF THE COURT

25 February 2004

(Withdrawal of an application)

In Case E-3/03,

Transportbedriftenes Landsforening and Nor-Way Bussekspress AS,

Applicants,

v

EFTA Surveillance Authority,

Defendant,

APPLICATION pursuant to Article 36(2) of Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice,

THE PRESIDENT OF THE COURT

makes the following

ORDER

By letter dated 18 September 2003 and registered at the Court on 22 September 2003, an application for annulment of the Defendant's Decision No. 140/03/COL of 16 July 2003 concerning State aid was submitted to the Court.

By letter dated 18 February 2004, registered at the Court on the same date, the Applicants withdrew the application.

The President finds that the conditions of discontinuance of the proceedings according to Article 74 of the Rules of Procedure have been met. Pursuant to the first sentence of Article 66(5) of the Rules of Procedure, the party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's pleadings. The Defendant has requested the Court to order the Applicants to pay the costs in its Statement of Defence dated 21 November 2003, registered at the Court on the same date. The Applicants have not applied for the costs to be borne by the Defendant in their letter dated 18 February 2004, nor is the President aware of any agreement between the parties with regard to the costs.

On those grounds,

THE PRESIDENT OF THE COURT

hereby orders:

- 1. Case E-3/03 is removed from the Register.**
- 2. The Applicants pay the costs of the Defendant.**

Luxembourg, 25 February 2004

Carl Baudenbacher
President

Dirk Buschle
Legal Secretary,
Acting Registrar