

Case T-541/93

Norman McCutcheon and Others

v

Council of the European Union

(Partial removal from the register)

Order of the President of the Court of First Instance of 16 December
1994 II - 1237

Summary of the Order

Procedure — Costs — Application for the annulment of Regulation No 2187/93 providing for an offer of compensation to certain producers of milk and milk products temporarily prevented from carrying on their trade — Withdrawal of proceedings following a statement made in court by the defendant concerning its position should the regulation be annulled in the context of other proceedings — Criteria for an order that costs be borne by the other party not satisfied — Parties to bear own costs

(Rules of Procedure of the Court of First Instance, Art. 87(5); Council Regulation No 2187/93)

The statement of the institutions' position entered in the minutes of a hearing before the Court of First Instance concerning the consequences to be drawn from any annulment

by the Community judicature of Regulation No 2187/93 providing for an offer of compensation to certain producers of milk and milk products temporarily prevented from

carrying on their trade, namely that all those concerned, even if they were not parties to the action resulting in such annulment, would be entitled to claim compensation free of the restrictions provided for in Articles 8 and 14 of that regulation, is likely to have prompted the decision by certain of the applicants in the annulment proceedings to withdraw, inasmuch as that position statement provided elucidation of the Council's position as to the consequences of acceptance

of the offer of compensation contained in the contested regulation should it be annulled.

However, that statement is not of such a nature as to be capable of justifying, under Article 87(5) of the Rules of Procedure of the Court of First Instance, an order that the applicants' costs should be borne by the defendant institution. Under those circumstances each party must bear its own costs.