

Case T-538/93

Patrick Houlihan and Others  
v  
Council of the European Union and  
Commission of the European Communities

(Partial removal from the register)

Order of the President of the Court of First Instance, 13 January 1995 ..... II - 83

Summary of the Order

*Procedure — Costs — Action for compensation for damage sustained in the context of the application of the milk quota system — Withdrawal of proceedings following a statement made in court by the defendant, in the context of other proceedings, concerning its position should 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 be annulled — 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 the possible 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 to withdraw by certain of the applicants who had brought an action for compensation for damage sustained in the context of the application of the milk quota system. That statement

clarified for the applicants the Council's position as to the consequences of acceptance of the offer of compensation contained in the contested regulation in the event that it should 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.