

JUDGMENT OF THE COURT
15 JULY 1963¹

Plaumann & Co.
v Commission of the European Economic Community²

Case 25/62

S u m m a r y

1. *Measures adopted by institutions of the Community—Decision—Concept*
(EEC Treaty, Article 189; Cf. Summary of judgment in *Joined Cases 16 and 17/62, Rec. 1962*)
 2. *Measures adopted by institutions of the Community—Proceedings by individuals against a decision addressed ‘to another person’—Scope of that expression—Broad interpretation*
(EEC Treaty, second paragraph of Article 173)
 3. *Measures adopted by institutions of the Community—Right of action of interested parties—Non-restrictive interpretation of the provisions of the Treaty*
(EEC Treaty, second paragraph of Article 173)
 4. *Measures adopted by institutions of the Community—Proceedings by individuals against a decision addressed ‘to another person’—Decision of individual concern to them*
(EEC Treaty, second paragraph of Article 173)
 5. *Procedure—Request for declaration with regard to possible future damage formulated in the application—Action for compensation formulated in the reply—Admissibility of this action, considered as an amplification of the request for declaration with regard to damage*
(Rules of Procedure, Article 38(1)(d))
 6. *Measures adopted by institutions of the Community—Measure not annulled—Lack of basis for an application for compensation nullifying the legal effects of that measure*
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1. A measure must be considered as a decision if it refers to a particular person and binds that person alone.
 2. The words and the natural meaning of the second paragraph of Article 173 of the EEC Treaty which allows an individual to institute proceedings against decisions addressed to another person which are of direct and individual concern to the former justify the broadest interpretation.
 3. The provisions of the Treaty regarding the right of action of interested parties must not be interpreted re-

¹ — Language of the Case: German.

² — CMLR.

strictively; where the Treaty is silent a limitation in this respect may not be presumed.

4. Persons other than those to whom a decision is addressed may only claim to be individually concerned if that decision affects them by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons, and by virtue of these factors distinguishes them individually just as in the case of the person addressed.
5. If an applicant includes in his application a request for a declaration with regard to the damage which may result from the contested measure

and specifies in the course of the written and oral procedures the subject matter of that request and sets a value on the amount of the damage, the conclusions of an application for compensation formulated in the reply may be considered as an amplification of those contained in the application and therefore as admissible under Article 38 (1) (d) of the Rules of Procedure.

6. An administrative measure which has not been annulled cannot of itself constitute a wrongful act on the part of the administration inflicting damage upon those whom it affects. The latter cannot therefore claim damages by reason of that measure.

In Case 25/62

PLAUMANN & Co., Hamburg, represented by Harald Ditges, advocate of the Cologne Bar, with an address for service in Luxembourg at the offices of Mr Audry, Fédération des Commerçants, 8 Avenue de l'Arsenal,

applicant,

v

COMMISSION OF THE EUROPEAN ECONOMIC COMMUNITY, represented by Hubert Ehring, Legal Adviser to the European Executives, acting as Agent, assisted by Ernst Steindorff, Professor of Law at the University of Tübingen, with an address for service in Luxembourg at the offices of Henri Manzanarès, Secretary of the Legal Service of the European Executives, 2 Place de Metz,

defendant,

Application for:

—annulment of the Decision No SIII 03079 of the Commission of 22 May 1962, refusing to authorize the Federal Republic of Germany to suspend in part customs duties applicable to 'mandarins and clementines, fresh' imported from third countries;

—payment of 39 414.01 DM compensation;