

Case T-238/97

Comunidad Autónoma de Cantabria

v

Council of the European Union

(State aid — Shipbuilding — Regulation laying down exceptions — Shipyards under restructuring — Action brought by a regional authority — Admissibility)

Order of the Court of First Instance (First Chamber, Extended Composition),  
16 June 1998 ..... II - 2273

Summary of the Order

*Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Council regulation concerning aid to certain shipyards under restructuring — Action brought by a regional authority of a Member State by virtue of the fact that a shipyard named in the regulation is located in its territory — Inadmissible*

*(EC Treaty, Art. 173, second and fourth paras; Council Regulation No 1013/97)*

Notwithstanding the fact that a particular shipyard is named in Regulation No 1013/97, by which the Council empow-

ers the Commission to adopt decisions addressed to the governments of particular Member States authorising, subject to certain

conditions, the payment of new aid to certain shipyards situated in their respective territories, the regional authority on whose territory that shipyard is located lacks *locus standi* to contest the regulation.

The regional authority cannot rely on the second paragraph of Article 173 of the Treaty since it is manifestly clear from the general scheme of the Treaty that the concept of Member State, within the meaning of the provisions relating to remedies, only applies to the government authorities of the Member States of the European Communities and cannot be extended to regional governments or self-governing communities, regardless of the extent of their powers.

Although such an authority possesses the required legal personality to bring an action under the fourth paragraph of Article 173 of the Treaty, any general interest that it may have, as a third person, in obtaining a result

which will favour the economic prosperity of a given business and, as a result, the level of employment in the geographical region where it carries on its activities, is insufficient on its own to enable that authority to be regarded as individually concerned, for the purposes of the fourth paragraph of Article 173 of the Treaty, by the provisions of the contested Regulation.

Nor is such an authority directly concerned by the contested Regulation since the simple fact of adopting that measure cannot alone entail the consequences for employment in the region and the socio-economic repercussions which it alleges. The creation of such consequences necessarily supposes, first, the adoption of a decision by the Commission authorising the payment of aid on condition that no ship conversions are undertaken in the shipyard located in the region in question and, secondly, the adoption by that shipyard of autonomous measures connected with that decision, namely making employees redundant.