

Case T-184/04

Sulvida — Companhia de alienação de terrenos, L^{da}

v

Commission of the European Communities

(Manifest inadmissibility — Action for failure to act — Proposal for a directive — Representation of the applicant by a lawyer who is not a third party not permitted)

Order of the Court of First Instance (Third Chamber), 13 January 2005 . . . II - 87

Summary of the order

Procedure — Originating application — Formal requirements — Conditions relating to a signatory — Third party capacity in relation to the parties — Company represented by its managing director in his capacity as a lawyer — Inadmissible

(Statute of the Court of Justice, Arts 19, third para., and 53, first para.)

In order to bring an action before the Court of First Instance, a party within the meaning of the third paragraph of Article 19 of the Statute of the Court of Justice, which applies to proceedings before the Court of First Instance by virtue of the first paragraph of Article 53 of that Statute, must use (if the action is not to be inadmissible) the services of a third person authorised to practise before a court of a Member State or of a State which is a party to the Agreement on the European Economic Area.

A lawyer who is also a managing director of a company and who thus acts as its 'governing body' cannot be regarded as a 'third person' and so is not authorised to sign the application initiating proceedings on behalf of that company.

(see paras 8, 10-12)