

Case T-5/96

Sveriges Betodlares Centralförening and Sven Åke Henrikson

v

Commission of the European Communities

(Common agricultural policy — Sugar beet —
Regulation (EC) No 1734/95 — Specific agricultural conversion rate —
No conversion rate for Sweden — Action for annulment — Inadmissibility)

Order of the Court of First Instance (First Chamber), 4 October 1996 II - 1301

Summary of the Order

Actions for annulment — Actionable measures — Definition — Measures having binding legal effects — Commission letter refusing to amend a regulation by fixing a specific agricultural conversion rate for a Member State — Excluded

(EC Treaty, Art. 173; Commission Regulation No 1734/95)

An action for annulment brought by an association of sugar beet producers in a Member State against a Commission letter refusing to accede to its request seeking, in

substance, an amendment to Regulation No 1734/95 is inadmissible, that regulation fixing, for the 1994/95 marketing year, the specific agricultural conversion rate appli-

cable to the minimum sugar beet prices and the production levy and additional levy in the sugar sector, but not fixing any conversion rate applicable in the Member State concerned.

Acts or decisions against which an action for annulment may be brought under Article 173 of the Treaty are those which produce binding legal effects capable of affecting an applicant's interests and bringing about a distinct change in his legal position. That is

not the position with regard to a letter merely providing information and confined to explaining briefly to the addressee why the previous legislative position contained in the above regulation was taken. Furthermore, an action brought by a natural or legal person against a Commission refusal retroactively to rectify a measure will be inadmissible if the rectification requested would have had to be adopted in the form of a generally applicable regulation, since a consequence of the hierarchy of Community legal acts is that an act of general application cannot be implicitly altered by an individual decision.