

Case T-38/98

Associazione Nazionale Bieticoltori (ANB) and Others

v

Council of the European Union

(Regulation (EC) No 2613/97 — Provision abolishing national aid to  
sugar beet producers with effect from the 2001/2002 marketing  
year — Action for annulment — Inadmissibility)

Order of the Court of First Instance (Fourth Chamber, Extended  
Composition), 8 December 1998 ..... II - 4193

Summary of the Order

*Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation abolishing adjustment aid for sugar beet producers — Action brought by producers and a producers' association — Inadmissible*

*(EC Treaty, Art. 173, fourth para.; Council Regulation No 2613/97, Art. 2)*

The action brought by certain sugar beet producers for the annulment of Article 2 of Regulation No 2613/97 — which abolishes all adjustment aid for such producers with effect from the 2001/2002 marketing year — is inadmissible.

That provision introduces a measure of general application which applies to an objectively determined situation and entails legal effects for categories of persons regarded generally and in the abstract, namely the Member States and the sugar beet producers. Moreover, even though that measure is susceptible of affecting the applicants' situation, it would do so only by reason of their objective attribute as economic operators active in the sugar beet sector, in the same way as any economic operator engaged in the same business in the European Community.

In that connection, the fact that the measure's effects are likely to be felt more severely in the region where the applicants are active is irrelevant, since the possibility that such a measure may have different specific effects on the various persons to whom it applies is not inconsistent with its nature as a regulation and, in any event, the appli-

cants are in the same situation as any other sugar producer operating in the same region.

The action brought by a national association defending beetgrowers' interests for annulment of the same provision is also inadmissible since that association is not distinguished by any of the criteria which are relevant in this regard. In the first place, the regulations on the common organisation of the markets in the sugar sector do not recognise that associations have any right of a procedural nature. Secondly, the growers whose interests are represented by the association in question are in a situation comparable to that of any other operator who may enter the same market. Thirdly, Regulation No 2613/97 neither concerns the members of the association individually nor affects the association's own interests; and the association did not play a role as negotiator in the procedure leading to the adoption of the regulation in question.