

ORDER OF THE COURT OF FIRST INSTANCE (Third Chamber)
16 November 1998 *

In Case T-41/97,

Antillean Rice Mills NV, a company incorporated under Netherlands law, having its registered office in Bonaire (Netherlands Antilles), represented by Winfred Knibbeler, of the Amsterdam Bar, and Karel Johannes Defares, of the Rotterdam Bar, with an address for service in Luxembourg at the Chambers of Marc Loesch, 11 Rue Goethe,

applicant,

supported by

Kingdom of the Netherlands, represented by Marc Fierstra, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the Netherlands Embassy, 5 Rue C.M. Spoo,

intervener,

v

Council of the European Union, represented by Ramon Torrent, Jürgen Huber and Guus Houttuin, Director and Legal Advisers respectively in its Legal Service, acting as Agents, with an address for service in Luxembourg at the office of Alessandro Morbilli, Director-General of the Legal Affairs Directorate of the European Investment Bank, 100 Boulevard Konrad Adenauer,

defendant,

* Language of the case: Dutch.

supported by

Commission of the European Communities, represented by Thomas van Rijn, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

Kingdom of Spain, represented by Luis Pérez de Ayala Becerril, Abogado del Estado, of the Community Litigation Service, acting as Agent, with an address for service in Luxembourg at the Spanish Embassy, 4-6 Boulevard Emmanuel Servais,

French Republic, represented by Kareen Rispal-Bellanger, Deputy Director, Legal Affairs Directorate, Ministry of Foreign Affairs, and Claude Chavance, Foreign Affairs Secretary, acting as Agents, with an address for service in Luxembourg at the French Embassy, 8b Boulevard Joseph II,

and

Italian Republic, represented by Umberto Colesanti, acting as Agent, assisted by Francesca Quadri, Avvocato dello Stato, with an address for service in Luxembourg at the Italian Embassy, 5 Rue Marie-Adélaïde,

interveners,

APPLICATION for the annulment of Council Regulation (EC) No 304/97 of 17 February 1997 introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories (OJ 1997 L 51, p. 1),

THE COURT OF FIRST INSTANCE
OF THE EUROPEAN COMMUNITIES (Third Chamber),

composed of: M. Jaeger, President, K. Lenaerts and J. Azizi, Judges,

Registrar: H. Jung,

makes the following

Order

- 1 By application lodged at the Registry of the Court of First Instance on 27 February 1997, the applicant brought the present action against the Council for the annulment of Council Regulation (EC) No 304/97 of 17 February 1997 introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories (OJ 1997 L 51, p. 1, 'Regulation No 304/97').
- 2 By application lodged at the Registry of the Court of Justice on 17 March 1997, registered under number C-110/97, the Kingdom of the Netherlands also brought an action against the Council for the annulment of that regulation.

- 3 By order of 15 May 1997 the Kingdom of the Netherlands was granted leave to intervene in these proceedings in support of the form of order sought by the applicant. By the same decision, the Commission and the Kingdom of Spain were granted leave to intervene in support of the form of order sought by the Council.
- 4 By orders of 5 August and 7 September 1997 respectively, the Italian Republic and the French Republic were also granted leave to intervene in these proceedings in support of the form of order sought by the Council.
- 5 Since the actions brought in Cases T-41/97 and C-110/97 both sought the annulment of Regulation No 304/97, the parties were heard on the question whether or not the Court of First Instance should stay the present proceedings or decline jurisdiction.
- 6 It must be pointed out in this regard that the second paragraph of Article 37 of the EC Statute of the Court of Justice, applicable to the procedure before the Court of First Instance by virtue of Article 46 of that Statute, precludes natural or legal persons from intervening in disputes between Member States, on the one hand, and institutions of the Community, on the other hand. The only possibility for natural or legal persons to put forward their arguments in disputes which concern them is therefore to bring an action themselves, in cases in which they have standing to do so, before the competent court (see the order of the Court of First Instance in Case T-490/93 *Bremer Vulkan Verbund v Commission* [1995] ECR II-477, paragraph 12).
- 7 Since the Court of Justice has not stayed the proceedings before it in Case C-110/97, pursuant to the third paragraph of Article 47 of its Statute, it is in the interests of the proper administration of justice that the court with jurisdiction to hear and determine the action brought by a Member State should be able to take into consideration the various pleas in law and factual and legal arguments relied upon by the natural or legal persons concerned in support of their applications for annulment of the same act.

- 8 A mere stay of the present proceedings pending delivery of judgment by the Court of Justice would not enable the Court of Justice to examine the pleas in law and arguments raised by the applicant against Regulation No 304/97.
- 9 Accordingly, pursuant to the third paragraph of Article 47 of the EC Statute of the Court of Justice and Article 80 of the Rules of Procedure of the Court of First Instance, it is appropriate to decline jurisdiction in favour of the Court of Justice in order to enable the latter to give judgment on the applications for annulment.

On those grounds,

THE COURT OF FIRST INSTANCE (Third Chamber)

hereby orders:

1. The Court of First Instance declines jurisdiction in Case T-41/97, *Antillean Rice Mills v Council*, in favour of the Court of Justice in order to enable the latter to rule on the applications for annulment.
2. The costs are reserved.

Luxembourg, 16 November 1998.

H. Jung

M. Jaeger

Registrar

President