

Case T-26/97

Antillean Rice Mills NV

v

Commission of the European Communities

(Action for annulment — Retroactive repeal of the contested measure —
No need to adjudicate)

Order of the Court of First Instance (Fourth Chamber), 17 September 1997 II - 1349

Summary of the Order

- 1. Actions for annulment — Action seeking the annulment of a regulation introducing safeguard measures — Regulation repealed by another regulation during the course of the proceedings, with retroactive effect — Acknowledgment by the institution which had adopted the repealed regulation of its removal from the Community legal order — Action rendered devoid of purpose — No need to adjudicate
(EC Treaty, Art. 173)*
- 2. Procedure — Costs — Case not proceeding to judgment — Particular circumstances
(Rules of Procedure of the Court of First Instance, Art. 87(6))*

1. An action seeking the annulment of a Commission regulation introducing safeguard measures becomes devoid of purpose, and there is thus no need for the Court to adjudicate, where that regulation is repealed during the course of the proceedings, with retroactive effect, by a Council regulation and where, by requesting a declaration that there is no need to adjudicate, the Commission acknowledges that the contested regulation no longer forms part of the Community legal order, and can thus no longer claim that it is applicable or rely on it as against the applicant should the Council regulation be annulled.
2. It is appropriate that the parties each bear their own costs, where there is no longer any need to adjudicate on an action seeking the annulment of a Commission regulation introducing safeguard measures in the framework of Decision 91/482 on the association of the overseas countries and territories because the contested measure has been repealed by a Council regulation adopted in accordance with the procedure provided for in that decision and where that repeal is not to be explained on the ground either that the Commission committed an error or that the pleas in law put forward by the applicant in its application are acknowledged to be well founded, but is merely the result of the exercise of a power of decision conferred on the Council.