

Case T-155/02 R

VVG International Handelsgesellschaft mbH and Others

v

Commission of the European Communities

(Application for interim measures — Regulation (EC) No 560/2002 —
Admissibility of the main action)

Order of the President of the Court of First Instance, 8 August 2002 . . . II - 3242

Summary of the Order

1. *Applications for interim measures — Conditions for admissibility — Admissibility of the main action — Irrelevant — Limits*
(Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(1))
2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation imposing provisional safeguard measures against imports of steel products — Actions brought by importing undertakings — Inadmissible*
(Art. 230, fourth para., EC; Commission Regulation No 560/2002)

3. *Actions for annulment — Natural or legal persons — Admissibility where no remedy is available before the national courts whereby the validity of the contested measure may be challenged — Excluded*
(Art. 230 EC)

4. *Actions for annulment — Natural or legal persons — Admissibility because a reference for a preliminary ruling on implementing measures applicable for a limited period is not suitable to guarantee the right to effective judicial protection — Excluded*
(Arts 230 EC and 234 EC)

1. In principle the issue of the admissibility of the main action should not be examined in relation to an application for interim measures so as not to prejudice the substance of the case. Nevertheless, where it is contended that the main action to which the application for interim measures relates is manifestly inadmissible, it may prove necessary to establish whether there are any grounds for concluding *prima facie* that the main action is admissible.

son of its consequences, that circumstance is not sufficient to differentiate them from all other persons. The Regulation is of concern to them by reason only of their objective position as economic operators trading in steel between non-member countries and the European Community, in the same way as other traders in a similar position.

(see para. 18)

In addition, the fact that a legislative measure may have differing specific effects on the different persons to whom it applies is not such as to distinguish them from all other traders concerned, since the measure is applied on the basis of an objectively determined situation.

2. Companies whose activity consists almost exclusively of importing into the Community steel products covered by Regulation No 560/2002 imposing provisional safeguard measures against imports of certain steel products are not individually concerned by that regulation. Even if the Regulation is of a nature such as to affect the applicants' economic situation by rea-

(see paras 30-31)

3. It is not acceptable to adopt an interpretation of the rules of admissibility in Article 230 EC to the effect that an action for annulment must be ruled admissible where it can be shown, following a specific examination of the national procedural rules by the Community Court, that those rules do not allow an individual to bring proceedings to contest the validity of the Community measure at issue. Such an interpretation would require the Community Court, in each individual case, to examine and interpret national procedural law. That would go beyond its jurisdiction when reviewing the legality of Community measures.
4. The fact that the measures provided for by a regulation which has been challenged by way of an action for annulment brought by a natural or legal person apply for a limited period, with the consequence that the remedy provided for by Article 234 EC does not give the applicant effective judicial protection, does not prove that that regulation is of individual concern to that person because the measures in question apply to all the operators covered by the regulation in question.

(see para. 39)

(see para. 40)