

Case C-73/07

Tietosuojavaltuutettu

v

Satakunnan Markkinapörssi Oy and Satamedia Oy

(Reference for a preliminary ruling
from the Korkein hallinto-oikeus)

(Reference for a preliminary ruling — Application for leave to intervene —
Inadmissibility)

Order of the President of the Court, 12 September 2007 I - 7077

Summary of the Order

*Procedure — Intervention — Preliminary rulings procedure
(Art. 234 EC; Statute of the Court of Justice, Arts 23 and 40)*

An application by the European Data Protection Supervisor for leave to intervene in a case brought under Article 234 EC is inadmissible. The right to intervene before the Court is governed by Article 40 of its Statute, which recognises the right of natural or legal persons to intervene if they can establish an interest in the result of a case which has been submitted to the Court. Article 40 also provides that submissions made in an application to intervene must be limited to supporting the form of order sought by one of the parties. It therefore applies to contentious proceedings before the Court designed to resolve a dispute. By contrast, Article 234 EC does not envisage contentious proceedings designed to resolve a dispute, but prescribes a procedure whose aim is to ensure a uniform interpretation of Community law by cooperation between the Court of Justice and the national courts and which enables the latter to seek the interpretation of the Community provisions which they will apply to the actions brought

before them. It follows that intervention in preliminary ruling proceedings is not possible.

Moreover, since the Supervisor is not expressly mentioned in Article 23 of the Statute of the Court of Justice, and, in the main proceedings, is not a 'party' for the purposes of that article, which governs participation in the proceedings in the cases covered by Article 234 EC, he is not entitled to submit observations to the Court on the questions referred by the national court for a preliminary ruling.

(see paras 8-13)