

Ladbroke Racing (Deutschland) GmbH
v
Commission of the European Communities

(Intervention — Derogations from the rules on languages)

Order of the Court of First Instance (Second Chamber), 13 May 1993 II - 536

Summary of the Order

1. *Procedure — Intervention — Interested persons — Action concerning the Commission's treatment of a complaint of an infringement of the competition rules — Undertaking the subject-matter of the complaint*
(EEC Statute of the Court of Justice, Art. 37, second para.; Rules of Procedure of the Court of First Instance, Art. 115)

2. *Procedure — Rules on languages — Derogations — Conditions*
(Rules of Procedure of the Court of First Instance, Arts 35 and 36)

1. In the context of an action brought against the Commission on the basis of Article 175 of the Treaty seeking a declaration that the Commission infringed the Treaty in failing to deal with a complaint of infringement of Article 86 of the

Treaty, the interest of the undertaking against which the complaint was directed in supporting the Commission's position before the court cannot be denied. The undertaking in question has a definite interest in the complaint which the appli-

cant lodged against it not culminating in the adoption by the Commission of binding measures in its regard. It follows that the application to intervene made by the undertaking in question satisfies the requirements of Article 37 of the Statute of the Court of Justice of the EEC and must be granted.

2. Under Article 35(2)(b) of its Rules of Procedure, the Court of First Instance may, at the request of one of the parties, authorize a language other than the language of the case to be used for all or part of the proceedings. However, since this is a question of securing a derogation from the exclusive use of the language of the case, a request to that effect must be accompanied by a detailed and specific statement of reasons showing that, in the absence of

such a derogation, the rights of the party making the request would be impaired or that it would not be able to understand the proceedings.

As an exception to the rule prescribing the exclusive use of the language of the case before the Court of First Instance, therefore, Article 36(1) of those Rules, which provides that it may be ordered that anything said or written in the course of the proceedings be translated into another language, must be interpreted strictly, namely as relating solely to such translations as are deemed necessary for the purposes of complying with the rights of the defence of one of the parties to the proceedings or of the proper conduct of the proceedings and of the work of the Court.

ORDER OF THE COURT OF FIRST INSTANCE 13 May 1993 *

In Case T-74/92,

Ladbroke Racing (Deutschland) GmbH, a company incorporated under German law and having its registered office in Cologne, represented by Jeremy Lever QC and Christopher Vajda, members of the Bar of England and Wales, and Stephen Kon, Solicitor, with an address for service in Luxembourg at the Chambers of Winandy & Err, 60 Avenue Gaston Diderich,

applicant,

* Language of the case: English.