

## Joined Cases T-295/04 to T-297/04

### Centro Provincial de Jóvenes Agricultores de Jaén (ASAJA) and Others

v

### Council of the European Union

(Action for annulment — Regulation (EC) No 864/2004 — Support scheme  
in the olive oil sector — Natural and legal persons —  
Not individually concerned — Inadmissibility)

Order of the Court of First Instance (Third Chamber), 8 September 2005 . . . II - 3154

#### Summary of the Order

- 1. Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation establishing criteria for calculating aid for olive oil producers — Action brought by olive oil producers and producer associations — Measure of general application — Applicants not individually concerned — Inadmissible (Art. 230, fourth para., EC)*

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Action brought by a trade association set up to protect and represent its members — Whether admissible — Conditions*  
 (Art. 230, fourth para., EC)

1. An action for annulment brought by olive oil producers and producer associations in respect of point (7) of Article 1 of Regulation No 864/2004 amending Regulation No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers is inadmissible.

That provision constitutes a measure of a legislative nature and cannot therefore be classed as a bundle of individual decisions in so far as it lays down the criteria for calculating aid in the olive oil sector in general and abstract terms, without any account whatsoever being taken of the specific circumstances of each olive oil producer.

the very purpose of the regulation containing the contested provision: the introduction of a new aid scheme in the olive oil sector. In that regard, even if the contested provision may produce effects which vary from one olive oil producer to another, that is not sufficient to show that the applicants have attributes which are peculiar to them or are in a factual situation which differentiates them from other producers. Even supposing that, pursuant to the contested provision, certain producers were no longer eligible for the aid in question in the olive oil sector, they still could not be individually concerned by that provision. The fact that certain traders may be more affected economically by a measure than the other traders in the same sector is not sufficient for them to be regarded as individually concerned by that measure.

Furthermore, the applicants are affected by the contested provision by reason specifically of an objective factual situation, namely that they produced olive oil during the reference period and received aid under one of the aid schemes established by the earlier legislation. That situation is defined in terms of

(see paras 33-34, 36, 39, 60-61)

2. A professional association set up to protect and represent the interests of its members may bring an action for annulment in three types of situation: first, where a legal provision expressly confers upon it a number of powers of a procedural nature; secondly, where the association is differentiated by reason of the impact on its own interests as an association, in particular because its position as a negotiator has been

affected by the measure of which the annulment is sought; and, thirdly, where the association represents the interests of undertakings which themselves have locus standi.

(see para. 50)