

more effective participation by the parliamentary organ of the Community. I beg to be excused for this incursion into the political arena. I have undertaken it only to show that we are presented here, by the authors of the Treaty, with a considered choice which it cannot be for the Court to correct.

To conclude, I wish to reply to the arguments put forward in Application 22/62, based on the principles of German constitutional law relating to the legal protection which has been established within the German legal system. This

reply may be found in one of your judgments (Cases 36 to 38/59 and 40/59, *Comptoirs de vente du charbon de la Ruhr* and *Nold v. High Authority*, Rec. 1960, p. 857 to p. 890). 'The Court, which judges the legality of decisions taken by the High Authority and consequently of those taken in the present case in accordance with Article 65 of the ECSC Treaty, does not have the function of ensuring respect for rules of internal law, even of consitutional law, in force in one or other of the Member States.'

In short, I consider that the objection raised by the Council in all these cases ought to be upheld and, consequently, I am of the opinion :

that the applications should be dismissed ; and

— that the costs be borne by the applicant associations, with the costs of the intervener in Cases 16 and 17/62 to be borne by the latter.

ORDER OF THE COURT
24 OCTOBER 1962¹

In Case 16/62²

1. CONFÉDÉRATION NATIONALE DES PRODUCTEURS DE FRUITS ET LÉGUMES,
2. FÉDÉRATION NATIONALE DES PRODUCTEURS DE FRUITS,
3. FÉDÉRATION NATIONALE DES PRODUCTEURS DE LÉGUMES,

applicants,

v

COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

defendant,

Having regard to the application for leave to intervene in the application for annulment of Regulation No 23 of the Council of the European Economic

1 — Language of the Case: French.

2 — The Order in Case 17/62 is identical with that in Case 16/62.

Community, and in particular of Article 9 thereof, (Official Journal of the Communities of 20 April 1962, pp. 965 et seq.) lodged on 31 August 1962 by the Assemblée permanente des présidents de chambre d'agriculture, the head office of which is in Paris, with an address for service in Luxembourg at the Chambers of Georges Margue, avocat-avoué, 20 rue Philippe-II, represented by its President, René Blondelle, assisted by Pierre de Font-Réaulx, advocate of the Paris Cour d'Appel;

Having regard to the statement filed by the applicants in the main action on 4 October 1962 stating that they 'take note with satisfaction' of the intervention;

Having regard to the statement filed by the defendant in the main action in which it first points out certain considerations which, in its view, militate against the acceptance of the interventions as admissible, and secondly states that it 'leaves these considerations to the discretion of the Court';

Whereas, the intervention is intended to support the conclusions of the applicants in the main action and is in proper form and has been presented within the prescribed time;

Whereas, under the provisions of the second paragraph of Article 37 of the Protocol on the Statute of the Court of Justice of the European Economic Community, any person other than the Member States and the Institutions of the Community may, as in the present case, intervene in cases between private persons and a Community institution provided that the said person establishes an interest in the result of the case;

Whereas the expression 'any . . . person', being drafted in the widest possible terms, includes associations such as the party intervening;

Whereas, contrary to the proposition put forward by the defendant in the main action, nothing in the text of the above-mentioned Protocol leads to the conclusion that the interest of the intervener should be distinct from that of the party whom he supports; and whereas even in this case the purpose of the intervention is to allow the intervener to put forward its own arguments in support of the common cause;

Whereas according to the terms of the French Decree Law of 30 October 1935 the intervener is, 'in relation to public authorities, the consultative and representative organization concerned with the general and special interests of agriculture in metropolitan France', whence it follows that it has a

legitimate interest in defending the interests of French agricultural producers;

Whereas on the other hand the disputed Regulation, which requires in particular the abolition of quantitative restrictions on imports of fruit and vegetables, is capable of affecting the interests of the national producers of these goods;

Whereas it follows from the foregoing considerations that the application to intervene is admissible;

Upon hearing the report of the Judge-Rapporteur;
Upon hearing the opinion of the Advocate-General;

Having regard to Article 37 of the Statute of the Court of Justice of the European Economic Community;

THE COURT

composed of: A. M. Donner, President, L. Delvaux and R. Rossi (Presidents of Chambers), O. Riese (Rapporteur), Ch. L. Hammes, A. Trabucchi and R. Lecourt, Judges,

Advocate-General: M. Lagrange
Registrar: A. Van Houtte

hereby makes the following

ORDER

- 1. That the Assemblée permanente des présidents de chambres d'agriculture be allowed to intervene;**
- 2. That a copy of each pleading be served on the intervener by the Registrar;**
- 3. That the costs be reserved.**

Luxembourg, 24 October 1962.

A. Van Houtte
Registrar

A. M. Donner
President