

## Case T-465/93

Consorzio Gruppo di Azione Locale 'Murgia Messapica'

v

Commission of the European Communities

(Economic and social cohesion — Assistance from Structural Funds —  
Leader Programme — Action for annulment of implied refusal to allocate  
a grant under the programme)

Judgment of the Court of First Instance (First Chamber), 19 May 1994 ..... II - 363

### Summary of the Judgment

- 1. Actions for annulment of measures — Natural or legal persons — Measures of direct and individual concern to them — Decision addressed to a Member State, granting financial assistance for certain projects proposed under the Leader Programme — Application by a local action group whose project was not accepted — Admissibility  
(EEC Treaty, fourth para. of Article 173)*
- 2. Actions for annulment of measures — Time-limits — Point from which time starts to run — Measure neither published nor notified to the applicant — Precise knowledge of the content and statement of reasons — Obligation to seek the full text of the measure within a reasonable time after becoming aware of its existence  
(EEC Treaty, fifth para. of Article 173)*

3. *Economic and social cohesion — Structural development — Leader Programme — Grant of Community financial assistance — Commission's discretion — Rules of Procedure (Council Regulations Nos 2052/88 and 4253/88)*

1. Persons other than the addressees may claim that a decision is of direct concern to them within the meaning of the fourth paragraph of Article 173 of the EEC Treaty only if the decision affects them by reason of certain attributes which are peculiar to them, or by reason of circumstances in which they are differentiated from all other persons, and by virtue of those factors distinguishes them individually just as in the case of the person addressed.

Despite the fact that a group of undertakings set up to develop economic activities in a specific region was not entitled to any financial assistance from the Community under the Leader Programme in the field of structural development, the provisional acceptance of its project by the competent national authority and the inclusion of the project among those accorded secondary priority, together with its repeated participation in the meetings organized by the Commission and that authority, and thus in the procedure culminating in the adoption of the decision addressed by the Commission to the Member State in which no provision was made for assistance for that group, may nevertheless have given rise to interests of which the loss was of individual concern to it. Moreover, that decision, without any involvement of other Community or national authorities, produced direct legal effects *vis-à-vis* that group of undertakings. Accordingly, in view of all

the circumstances, its application must be declared admissible.

2. If a measure is not published or notified, the period within which proceedings are to be instituted cannot start to run until the third party concerned has precise knowledge of the content and grounds of the measure in question in such a way as to enable him to exercise his right to institute proceedings, provided however that he asks, within a reasonable period, for the full text of the measure in question.
3. The legality of the Commission's decision not to grant assistance under the Leader Programme, which was introduced in the context of structural measures designed to strengthen economic and social cohesion within the Community, must be assessed, as regards the substance, in the light of the wide discretion enjoyed by the Commission regarding fulfilment of the conditions justifying the grant of Community financial assistance and, as regards the possibility of an infringement of essential procedural requirements, solely in relation to the rules laid down both in Regulations Nos 2052/88 and 4253/88 and by the Commission itself in its Leader notice.