

Case T-158/95

Eridania Zuccherifici Nazionali SpA and Others

v

Council of the European Union

(Common organisation of the market in the sugar sector — Compensation system for storage costs — Action for annulment — Natural and legal persons — Inadmissibility)

Judgment of the Court of First Instance (First Chamber), 8 July 1999 II-2221

Summary of the Judgment

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Provision fixing the amount of compensation for sugar storage costs in respect of a particular marketing year — Action brought by Italian sugar manufacturers — Inadmissible

(EC Treaty, Art. 173, fourth para. (now, after amendment, Art. 230, fourth para., EC); Council Regulation No 1534/95, Art. 4)

The action brought by Italian sugar manufacturers for annulment of Article 4 of Regulation No 1534/95 — which fixes the amount of compensation for sugar storage costs in respect of the 1995/96 marketing year — is inadmissible

even the identity of the persons to whom it applies at any given time, as long as it is established that such application takes effect by virtue of an objective situation of fact or of law defined by the measure in question. Moreover, the fact that a measure may have different specific effects on the various persons to whom it applies is not inconsistent with its nature as a regulation when that situation is objectively defined.

Article 4 must be regarded as a measure of general application, applying to objectively determined situations and addressed in general terms to categories of persons regarded in the abstract, in so far as it provides for flat-rate reimbursement and applies to an indefinite number of storage operations in the Community carried out by all Community sugar manufacturers.

Even supposing that the Council was aware of the applicants' identity — that is to say, as holders of sugar production quotas — when it adopted the Regulation, that fact is not sufficient to enable them to be regarded as individually concerned. The general application of a measure is not called in question by the fact that it is possible to define more or less recisely the number or

Furthermore, the mere fact that the applicants hold production quotas is not sufficient to establish that their specific rights were adversely affected. The allocation of production quotas was not, prior to the adoption of the contested Regulation, accompanied by an established right that reimbursement would be fixed at an amount which took account of the storage costs which in practice only the Italian sugar producers were required to bear. The producers' legal situation was therefore no different from that of other holders of production quotas, all of whom had to adjust to the amount of the uniform flat-rate reimbursement fixed by the Council for each marketing year.