Reports of Cases

ORDER OF THE GENERAL COURT (Fifth Chamber, Extended Composition)

10 September 2020*

(Action for annulment – Imports of Indica rice originating in Cambodia and Myanmar/Burma – Safeguard measures – Implementing Regulation (EU) 2019/67 – *Locus standi* – Interest in bringing proceedings – Rejection of the plea of inadmissibility)

In Case T-246/19,

Kingdom of Cambodia,

Cambodia Rice Federation (CRF), established in Phnom Penh (Cambodia),

represented by R. Antonini, E. Monard and B. Maniatis, lawyers,

applicants,

v

European Commission, represented by A. Biolan, H. Leupold and E. Schmidt, acting as Agents,

defendant,

APPLICATION under Article 263 TFEU for annulment of Commission Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma (OJ 2019 L 15, p. 5).

THE GENERAL COURT (Fifth Chamber, Extended Composition),

composed of S. Papasavvas, President, D. Spielmann, U. Öberg (Rapporteur), R. Mastroianni and R. Norkus, Judges,

Registrar: E. Coulon,

makes the following

* Language of the case: English.

Order

I. Background to the dispute

1 The Cambodia Rice Federation (CRF) is an association that defends the interests of the Cambodian rice industry. In the application which it lodged with the Kingdom of Cambodia, it states that it is acting in the present case on behalf of its members, which are all operators in that industry, and on its own behalf.

2 Since the early 1970s, the European Union has granted trade preferences to developing countries under its scheme of generalised tariff preferences.

3 The generalised tariff preferences granted by the European Union on a non-reciprocal basis are embedded in an autonomous trade regime designed to encourage developing countries to reduce poverty and to promote good governance and sustainable development by helping them to generate additional revenue through international trade, in accordance with recital 7 of Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ 2012 L 303, p. 1; 'the GSP Regulation'). Thus, the scheme provided for in the GSP Regulation functions as an expression of the European Union's development cooperation policy.

4 Under the GSP Regulation, the EU grants developing countries preferential access to its market in the form of a reduction in the normal Common Customs Tariff duties, which consists of a general regime and two special regimes. The so-called 'Everything But Arms' regime ('the EBA regime') is a special regime for the least developed countries.

5 In order to benefit from the EBA regime, a country must be identified by the United Nations as a least developed country (Article 17 of the GSP Regulation). The list of beneficiary countries of the EBA regime referred to in Article 1(2)(c) of the GSP Regulation is set out in Annex IV to that regulation.

6 Under the EBA, imports into the European Union of Indica rice originating in Cambodia and Myanmar/Burma ('the product concerned') benefited from a full suspension of Common Customs Tariff duties under Article 18(1) of the GSP Regulation.

7 On 16 February 2018, the Italian Republic, subsequently supported by other Member States, submitted an application to the European Commission under Article 22 and Article 24(2) of the GSP Regulation for the adoption of safeguard measures in respect of the product concerned.

8 Pursuant to Article 22(1) of the GSP Regulation, where a product originating in a beneficiary country of any of the preferential arrangements referred to in Article 1(2) of that regulation is imported in volumes and/or at prices which cause, or threaten to cause, serious difficulties to EU producers of like or directly competing products, normal Common Customs Tariff duties on that product may be reintroduced.

9 On 16 March 2018, the Commission initiated a safeguard investigation concerning imports of the product concerned in order to gather the information necessary to carry out an in-depth assessment. The Government of Cambodia, the CRF and some exporting producers from Cambodia, in particular, participated in that investigation.

10 Following that safeguard investigation, the Commission, having concluded that the product concerned was being imported in volumes and at prices that were causing serious difficulties to the EU industry, decided, by adopting its Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma (OJ 2019

L 15, p. 5; 'the contested regulation'), to temporarily reintroduce Common Customs Tariff duties on imports of the product concerned. The Commission considered that the safeguard measures should be adopted for a period of three years and introduced a progressive reduction in the rate of duty applicable.

II. Procedure and forms of order sought

11 By application lodged at the Court Registry on 10 April 2019, the Kingdom of Cambodia and the CRF brought the present action.

12 By separate document lodged at the Court Registry on 28 June 2019, the Commission raised a plea of inadmissibility in respect of the action, under Article 130(1) of the Rules of Procedure of the General Court.

13 On 21 August 2019, the Kingdom of Cambodia and the CRF filed their observations on the plea of inadmissibility.

14 On 28 February 2020, the Court put a written question to the Commission by way of measures of organisation of procedure provided for in Article 89 of the Rules of Procedure. The Commission complied with that request within the prescribed period.

15 In the application, the Kingdom of Cambodia and the CRF claim that the Court should:

– annul the contested regulation;

– order the European Commission to pay the costs.

16 In its plea of inadmissibility, the Commission contends that the Court should:

– dismiss the action as inadmissible;

– order the Kingdom of Cambodia and the CRF to pay the costs.

17 In the observations on the plea of inadmissibility, the Kingdom of Cambodia and the CRF claim that the Court should:

– reject the Commission's plea of inadmissibility;

– annul the contested regulation;

– order the European Commission to pay the costs.

III. Law

18 Pursuant to Article 130(1) of the Rules of Procedure, the Court may, if the defendant so requests, rule on the question of inadmissibility without going to the substance of the case. Under Article 130(7) of those rules, the Court is to decide on the application as soon as possible or, where special circumstances so justify, reserve its decision until it rules on the substance of the case.

19 In the present case, as the Commission has applied for a decision on inadmissibility, the Court, finding that it has sufficient information from the documents in the case file, has decided to rule on that application without taking further steps in the proceedings.

20 In support of its plea of inadmissibility, the Commission claims, primarily, that the Kingdom of Cambodia and the CRF do not satisfy the requirements for standing to bring proceedings for the purposes of the fourth paragraph of Article 263 TFEU.

21 First of all, the Commission, without expressly adopting a position on the scope of the fourth paragraph of Article 263 TFEU concerning the coverage of a foreign sovereign State in the EU Courts, nevertheless asks the Court to examine the Council's arguments in the case which gave rise to the judgment of 20 September 2019, *Venezuela* v *Council* (T-65/18, under appeal, EU:T:2019:649), and, more specifically, the claim that a third country cannot be considered a 'natural or legal person' within the meaning of the fourth paragraph of Article 263 TFEU.

22 Secondly, the Commission claims that the Kingdom of Cambodia and the CRF are not directly concerned by the contested regulation.

23 In that regard, the Commission submits, first, that the contested regulation has no legal effect in Cambodia and therefore cannot legally concern the Kingdom of Cambodia or the CRF.

24 Secondly, even if the contested regulation could produce legal effects in Cambodia, it would neither restrict nor prohibit the export of Indica rice from Cambodia to the European Union. The Commission adds that the contested regulation is merely a consequence of the procedural conditions laid down by the GSP Regulation, resulting in a temporary suspension of the benefits of the EBA regime. The competitive disadvantage and the negative impact on export activities to the European Union that the contested regulation could potentially confer on the Kingdom of Cambodia and the CRF are merely factual grievances of general application.

25 Thirdly, according to the Commission, the legal effects arising from the contested regulation can result only from its implementation by the customs authorities of the Member States and only at the level of importers in the European Union, which are not parties to the dispute.

26 Fourthly, the Commission claims that the contested regulation requires the use of implementing measures by the customs authorities of the Member States and therefore does not, in itself and without implementing measures, produce any definitive legal effects on the Kingdom of Cambodia or the CFR.

27 Lastly, the Commission claims that the Kingdom of Cambodia and the CRF are not individually concerned by the contested regulation.

28 In that regard, the Commission submits, in the first place, that the contested regulation is a measure of general application which requires implementing measures and which concerns in an identical manner all actual or potential importers of the product concerned, and does not distinguish the Kingdom of Cambodia or the CRF individually.

29 In the second place, the Commission argues that the contested regulation must be distinguished from hybrid acts, such as anti-dumping regulations, which apply to the individual economic operator concerned, in so far as it does not contain any individual decision that distinguishes the Kingdom of Cambodia or the CRF.

30 In the third place, the Commission submits that the contested regulation, as an act of general application, does not define any specific 'class' affected by it and the Commission adds that there is no indication that the interests of the Kingdom of Cambodia and the CRF coincide with those of any 'class'.

31 In the fourth place, the Commission claims that, even if there were a 'class' covered by the contested regulation, it would not necessarily include the Kingdom of Cambodia and the CRF, since there is nothing to indicate that they represent all the interests of such a class.

32 In the fifth place, the Commission submits that the mere fact that the Kingdom of Cambodia and the CRF participated in the investigation which preceded the adoption of the contested regulation does not imply that that regulation distinguishes them individually.

33 In the alternative, the Commission submits that the Kingdom of Cambodia and the CRF have no personal interest in bringing proceedings directly against the contested regulation.

34 In that regard, the Commission claims that the contested regulation does not apply to the territory of Cambodia, but rather to the territory covered by the European Union's Common Customs Tariff, and therefore has no binding legal effect on the situation of the Kingdom of Cambodia or the CRF. The Commission adds that the contested regulation does not prevent the export of Indica rice from Cambodia to the European Union and, at most, may bring about only a general factual and future grievance in the form of a possible decline in sales. Since EU entities are the only ones to bear the legal consequences of the contested regulation, that regulation does not cause any personal damage to the Kingdom of Cambodia or the CRF.

35 The Kingdom of Cambodia and the CRF dispute the Commission's arguments.

A. On the standing of the Kingdom of Cambodia and the CRF

36 As a preliminary point, it should be borne in mind that the objective of the Treaties is to make a direct action available against all measures adopted by the institutions which are intended to have legal effects (see judgment of 23 April 1986, *Les Verts* v *Parliament*, 294/83, EU:C:1986:166, paragraph 24 and the case-law cited). Thus, the provisions of the Treaties which concern the right of interested parties to bring an action must not be interpreted restrictively (judgments of 15 July 1963, *Plaumann* v *Commission*, 25/62, EU:C:1963:17, p. 107, and of 11 July 1996, *Métropole télévision and Others* v *Commission*, T-528/93, T-542/93, T-543/93 and T-546/93, EU:T:1996:99, paragraph 60).

37 The European Union is a community based on the rule of law inasmuch as neither its Member States nor its institutions can avoid a review of the question whether the measures adopted by them are in conformity with the Treaties, which have established a complete system of legal remedies and procedures designed to entrust the Court of Justice of the European Union with the task of reviewing the legality of the acts of the institutions (see, to that effect, judgment of 23 April 1986, *Les Verts* v *Parliament*, 294/83, EU:C:1986:166, paragraphs 23 and 24).

38 That principle of effective judicial protection is a general principle of EU law stemming from the constitutional traditions common to the Member States and has also been enshrined in Article 47 of the Charter of Fundamental Rights of the European Union (judgments of 27 June 2013, *Agrokonsulting-04*, C-93/12, EU:C:2013:432, paragraph 59, and of 5 November 2019, *ECB and Others* v *Trasta Komercbanka and Others*, C-663/17 P, C-665/17 P and C-669/17 P, EU:C:2019:923, paragraphs 55 and 56).

39 According to settled case-law, the admissibility of an action brought by natural or legal persons against an act which is not addressed to them, in accordance with the fourth paragraph of Article 263 TFEU, is subject to the condition that they are recognised as having standing to bring proceedings, which arises in two situations. First, such proceedings may be instituted if the act is of direct and individual concern to that person. Secondly, they may bring proceedings against a regulatory act not entailing implementing measures if that act is of direct concern to them (see judgment of 17 September 2015, *Mory and Others* v *Commission*, C-33/14 P, EU:C:2015:609, paragraphs 59 and 91 and the case-law

cited; order of 12 January 2017, *Amrita and Others* v *Commission*, C-280/16 P, not published, EU:C:2017:9, paragraph 33 and the case-law cited; and judgment of 13 March 2018, *European Union Copper Task Force* v *Commission*, C-384/16 P, EU:C:2018:176, paragraph 32 and the case-law cited).

40 In that regard, it should be noted that acts imposing safeguard measures are liable to be of direct and individual concern to natural or legal persons who can demonstrate that they have been identified in the acts of the Commission or concerned by the preparatory investigations (see, by analogy, judgments of 21 February 1984, *Allied Corporation and Others* v *Commission*, 239/82 and 275/82, EU:C:1984:68, paragraphs 10 to 12; see, also, judgments of 28 February 2019, *Council* v *Growth Energy and Renewable Fuels Association*, C-465/16 P, EU:C:2019:155, paragraphs 73 and 79 and the case-law cited, and of 13 September 2013, *Huvis* v *Council*, T-536/08, not published, EU:T:2013:432, paragraph 25 and the case-law cited).

41 Even though the case-law cited in paragraph 40 above relates to regulations imposing anti-dumping duties, it is also relevant in the present case. It has previously been held that the condition that a person can bring an action challenging a regulation only if that person is concerned both directly and individually must be interpreted in the light of the right to effective judicial protection, taking account of the various circumstances that may distinguish an applicant individually (see, to that effect, judgments of 25 July 2002, *Unión de Pequeños Agricultores* v *Council*, C-50/00 P, EU:C:2002:462, paragraph 44; of 1 April 2004, *Commission* v *Jégo-Quéré*, C-263/02 P, EU:C:2004:210, paragraph 36; and of 28 April 2015, *T & L Sugars and Sidul Açúcares* v *Commission*, C-456/13 P, EU:C:2015:284, paragraph 44).

42 Moreover, according to case-law, regulations imposing safeguard measures, although legislative in their nature and scope, in so far as they apply generally to the economic operators concerned, are liable to be of individual concern to certain natural or legal persons by reason of certain attributes peculiar to them, or by reason of a factual situation which differentiates them from all other persons (see judgment of 10 April 2003, *Commission* v *Nederlandse Antillen*, C-142/00 P, EU:C:2003:217, paragraph 65 and the case-law cited, and order of 30 April 2003, *VVG International and Others* v *Commission*, T-155/02, EU:T:2003:125, paragraphs 40 and 41 and the case-law cited; see also, to that effect, judgment of 17 January 2002, *Rica Foods* v *Commission*, T-47/00, EU:T:2002:7, paragraphs 34 and 36). A regulation imposing safeguard measures may therefore, like a regulation imposing anti-dumping duties, be regarded as being of a hybrid nature.

43 Since the Kingdom of Cambodia and the CRF are not the addressees of the contested regulation, it is in the light of those principles that it is necessary to examine whether they are natural or legal persons directly and individually concerned by the contested regulation.

1. As regards the Kingdom of Cambodia:

(a) The concept of 'natural or legal person' within the meaning of the fourth paragraph of Article 263 TFEU

44 In reply to the question of the General Court put by way of measures of organisation of procedure, the Commission confirmed that it did not expressly put forward a plea of inadmissibility against the action brought by the Kingdom of Cambodia on the basis of the concept of 'natural or legal person' within the meaning of the fourth paragraph of Article 263 TFEU. It maintained, however, that the question of the admissibility of an action before the General Court was a matter of public policy, which should, where appropriate, be raised by the Court of its own motion.

45 In that regard, it should be recalled that the objective of the fourth paragraph of Article 263 TFEU is to grant adequate judicial protection to all persons, natural or legal, who are directly and individually concerned by acts of the institutions of the European Union (judgment of 10 June 2009, *Poland* v *Commission*, T-257/04, EU:T:2009:182, paragraph 53, and order of 10 June 2009, *Poland* v *Commission*, T-258/04, not published, EU:T:2009:183, paragraph 61).

46 The provisions of the fourth paragraph of Article 263 TFEU must be given a purposive interpretation (see, to that effect, judgment of 15 July 1963, *Plaumann* v *Commission*, 25/62, EU:C:1963:17, p. 106). Accordingly, to, in principle, exclude third States from the judicial protection granted under that article would run counter to its objective.

47 Furthermore, although non-Member States may not claim the status of litigant conferred on the Member States by the EU system, they may nevertheless bring proceedings under the right of action conferred on legal persons (judgment of 10 June 2009, *Poland* v *Commission*, T-257/04, EU:T:2009:182, paragraph 52, and order of 10 June 2009, *Poland* v *Commission*, T-258/04, not published, EU:T:2009:183, paragraph 60; Opinion of Advocate General Poiares Maduro in *Poland* v *Council*, C-273/04, EU:C:2007:361, point 40).

48 Thus, it has previously been held that, where an entity has legal personality, it may, in principle, bring an action for annulment under the fourth paragraph of Article 263 TFEU (see, to that effect, order of 1 October 1997, *Regione Toscana* v *Commission*, C-180/97, EU:C:1997:451, paragraphs 10 to 12, and judgment of 22 November 2001, *Nederlandse Antillen* v *Council*, C-452/98, EU: C:2001:623, paragraph 51).

49 In addition, neither the fourth paragraph of Article 263 TFEU nor any other provision of primary law excludes third States from the right to bring an action for annulment (see, to that effect, judgments of 16 July 2014, *National Iranian Oil Company* v *Council*, T-578/12, not published, EU:T:2014:678, paragraph 36, and of 18 September 2015, *Iran Liquefied Natural Gas* v *Council*, T-5/13, not published, EU:T:2015:644, paragraph 48).

50 Consequently, in the absence of such an exclusion in the text of the Treaties, a third State, which has legal personality under both international and domestic law, may not be prevented from challenging an EU act before the General Court if the conditions required under the fourth paragraph of Article 263 TFEU are fulfilled.

51 Therefore, the expression ‘any natural or legal person’ in the fourth paragraph of Article 263 TFEU must be understood as also covering States which are not members of the European Union, such as the Kingdom of Cambodia.

(b) Direct concern

52 As regards the concept of direct concern, it should be noted that a natural or legal person is directly concerned by the decision against which the action is brought where two cumulative criteria are satisfied, namely, first, that the contested measure directly affects the legal situation of the natural or legal person and, secondly, that it leaves no discretion to the addressees who are entrusted with the task of implementing it, such implementation being purely automatic and resulting from EU rules without the application of other intermediate rules (see judgment of 4 December 2019, *Polskie Górnictwo Naftowe i Gazownictwo* v *Commission*, C-342/18 P, not published, EU:C:2019:1043, paragraph 38 and the case-law cited).

53 In that regard, in the first place, it must be recalled that, in order to determine whether a measure produces legal effects, it is necessary to look to its subject matter, its content and substance, as well as to the factual and legal context of which it forms part, and not to its nature, form, title, tangible medium or signatory (see order of 8 March 2012, *Octapharma Pharmazeutika* v *EMA*, T-573/10, EU:T:2012:114, paragraph 30 and the case-law cited).

54 In the present case, Article 22(1) of the GSP Regulation extends to the Member States, and certain third parties, the possibility of drawing to the Commission's attention the existence of circumstances which might make it necessary to resort to temporary safeguard measures.

55 The contested regulation, adopted on the basis of Article 22(1) of the GSP Regulation, imposes safeguard measures aimed at limiting the serious difficulties which exports of Indica rice from Cambodia have caused to the EU industry.

56 It is apparent from Article 1(1) of the contested regulation that its purpose is to temporarily reintroduce Common Customs Tariff duties on imports of Indica rice originating in Cambodia, which compete with similar or directly competing products marketed in the European Union. According to Article 1(2) of the contested regulation, the duty applicable to Indica rice originating in Cambodia is EUR 175 per tonne for the first year, EUR 150 per tonne for the second year and EUR 125 per tonne for the third year from the date of entry into force of the contested regulation. Article 1(3) of that regulation also provides for the amount of duty applicable in the event of adjustment of the Common Customs Tariff duty.

57 According to the information provided by the Kingdom of Cambodia and the CRF, which the Commission has not disputed, exports of Indica rice from Cambodia to the European Union account for a significant proportion of the total exports of Indica rice originating in Cambodia, namely between 50 and 70%. The Commission also stated in recital 28 of the contested regulation that, at the end of the investigation period, Cambodia represented 25% of the total imports of the product concerned into the European Union. It is therefore important to note that the contested regulation is likely significantly to affect the economic situation of Cambodia. The Commission also acknowledged, in recital 84 of the contested regulation, that subjecting Cambodia to the full Common Customs Tariff duties made exports from that country more difficult.

58 Admittedly, it has previously been held that the mere fact that an act may exercise an influence on an applicant's material situation cannot be sufficient ground to consider that applicant to be directly concerned, and that only the existence of specific circumstances may enable a litigant, claiming that the measure affects their position on the market, to bring an action on the basis of the fourth paragraph of Article 263 TFEU (judgments of 10 December 1969, *Eridania and Others* v *Commission*, 10/68 and 18/68, EU:C:1969:66, paragraph 7, and of 18 October 2018, *ArcelorMittal Tubular Products Ostrava and Others* v *Commission*, T-364/16, EU:T:2018:696, paragraph 40).

59 Nevertheless, the Court points out that the contested regulation was adopted on the basis of the GSP Regulation. As the Commission emphasised in recital 82 of the contested regulation, the primary objective of the GSP Regulation is to support developing countries in their efforts to reduce poverty and to promote good governance and sustainable development, helping them, in particular, to create jobs, promote industrialisation and generate additional revenue through international trade. The EBA regime supports the poorest and weakest countries in the world (including Cambodia according to the GSP Regulation), which are vulnerable due to their low and non-diversified export base, to take full advantage of trading opportunities and grants the least developed countries preferential access to the EU market by means of full suspension of Common Customs Tariff duties.

60 The contested regulation temporarily terminates the preferential access to the EU market enjoyed by the Kingdom of Cambodia as a country listed in Annex IV to the GSP Regulation, which contains the list of countries benefiting from the EBA regime, referred to in Article 1(2)(c) of the GSP Regulation.

The imposition of safeguard measures therefore changes both the legal and economic conditions under which the marketing of Indica rice originating in Cambodia takes place on the EU market. Accordingly, the legal position of the Kingdom of Cambodia is directly and substantially affected.

61 The contested regulation thus has direct legal effects on the Kingdom of Cambodia since, by means of that regulation, the Commission has changed the legal situation of the Kingdom of Cambodia as a country benefiting from the full suspension of Common Customs Tariff duties.

62 Therefore, the Commission's arguments relating to the fact that the contested regulation has no legal effect on the Kingdom of Cambodia and does not affect exports of Indica rice to the European Union must be rejected.

63 The Commission's argument that the legal situation of the Kingdom of Cambodia is not directly affected, given that the safeguard measures introduced by the contested regulation apply only to importers established in the European Union, must also be rejected. While it is true that the contested regulation lays down measures that apply primarily to those importers, those measures directly affect the Cambodian State, whose economic activity is limited by the application of those measures to it, as stated in paragraphs 57, 59 and 61 above.

64 Self-evidently it is for importers established in the European Union to apply those measures, given that the acts adopted by the EU institutions are not, as a rule, intended to apply outside the territory of the European Union. Despite that, the entities affected by the contested regulation are liable to be directly concerned by the safeguard measures applied to them. Temporarily reintroducing the Common Customs Tariff duties on imports of the product concerned into the European Union is tantamount to limiting the access of certain entities to the EU market, including the Kingdom of Cambodia, which previously benefited from preferential access to the EU market by means of a special scheme of tariff preferences (see, to that effect and by analogy, judgment of 13 September 2018, *Almaz-Antey* v *Council*, T-515/15, not published, EU:T:2018:545, paragraph 65).

65 It should also be recalled that the mere fact that the Kingdom of Cambodia does not pay the tariffs applicable to the importation of Indica rice originating in Cambodia into the European Union, given that those duties are paid by importers into the European Union, does not lead to the conclusion that the contested regulation has no legal effect on its situation (see, to that effect and by analogy, judgments of 20 March 1985, *Timex* v *Council and Commission*, 264/82, EU:C:1985:119, paragraphs 12 to 16, and of 3 May 2018, *Distillerie Bonollo and Others* v *Council*, T-431/12, under appeal, EU:T:2018:251, paragraphs 61 and 62).

66 In the second place, it should be noted that the mere fact that, in order to apply the act the annulment of which is sought, a national implementing measure is necessary, does not prevent an applicant from being regarded as being directly concerned by the act at issue, provided that the Member State responsible for implementing it has no discretion of its own (see, to that effect, judgment of 5 October 2005, *Land Oberösterreich and Austria* v *Commission*, T-366/03 and T-235/04, EU:T:2005:347, paragraph 29 and the case-law cited).

67 In the event that the Member State responsible for implementing the contested act has no discretion of its own, the adoption of the national decision is automatic and the applicant's legal situation must be regarded as being directly affected by the contested decision (see, to that effect, judgment of 10 September 2009, *Commission* v *Ente per le Ville Vesuviane* and *Ente per le Ville Vesuviane* v *Commission*, C-445/07 P and C-455/07 P, EU:C:2009:529, paragraphs 45 and 46 and the case-law cited).

68 In that regard, the General Court considers that, having regard to the wording of Article 1(1) to (3) of the contested regulation, that regulation does not leave any discretion to the Member States as regards the duty in question and the amount of duty applicable to Indica rice originating in Cambodia (see, to

that effect, judgment of 14 September 1995, *Antillean Rice Mills and Others* v *Commission*, T-480/93 and T-483/93, EU:T:1995:162, paragraph 63), and, therefore, the second condition of direct concern is also satisfied.

69 Accordingly, it must be held that the Kingdom of Cambodia is directly concerned by the contested regulation.

(c) Individual concern

70 As regards the notion of individual concern provided for in the fourth paragraph of Article 263 TFEU, for a natural or legal person to be regarded as individually concerned by an act of general application adopted by an EU institution, the legal position of that person must be affected by the act in question, by reason of certain attributes peculiar to him or her, or by reason of a factual situation which differentiates him or her from all other persons and thereby distinguishes him or her individually in the same way as the addressee of such a decision (judgments of 15 July 1963, *Plaumann* v *Commission*, 25/62, EU:C:1963:17, p. 107, and of 18 May 1994, *Codorniu* v *Council*, C-309/89, EU:C:1994:197, paragraph 20; see, also, judgment of 10 April 2003, *Commission* v *Netherlands Antillen*, C-142/00 P, EU:C:2003:217, paragraph 65 and the case-law cited).

71 It follows from the case-law cited in paragraphs 40 to 42 above that the legislative nature of a contested act does not preclude it from being of direct and individual concern to certain interested legal or natural persons (judgment of 18 May 1994, *Codorniu* v *Council*, C-309/89, EU:C:1994:197, paragraph 19; see, also, judgment of 28 February 2019, *Council* v *Growth Energy and Renewable Fuels Association*, C-465/16 P, EU:C:2019:155, paragraph 72 and the case-law cited; judgment of 14 September 1995, *Antillean Rice Mills and Others* v *Commission*, T-480/93 and T-483/93, EU:T:1995:162, paragraph 66).

72 Therefore, contrary to the submissions of the Commission, the fact that the contested regulation seeks to reintroduce the Common Customs Tariff duties with respect to all imports of the product concerned into the European Union does not in fact make it impossible for certain natural or legal persons to be individually concerned by that regulation.

73 In the light of the case-law referred to in paragraph 42 above, the Court must also reject the Commission's argument that a regulation imposing safeguard measures, such as that contested in the present case, cannot be hybrid in nature, in the same way as anti-dumping and anti-subsidy regulations.

74 Since the contested regulation imposes safeguard measures of general application, it must be held that, as the Commission rightly submits, any person prepared and able to export the product concerned to the European Union may have that regulation applied to it. However, that does not mean that, in some circumstances, certain natural or legal persons cannot be individually concerned by that regulation and, as such, fall within a defined class.

75 Thus, the fact that a person is involved in the procedure leading to the adoption of an EU measure is capable of distinguishing that person individually in relation to the measure in question, which must mean that the measure has binding legal effects for him or her, only if the applicable EU legislation grants him or her certain procedural guarantees (see, to that effect, judgments of 4 October 1983, *Fediol* v *Commission*, 191/82, EU:C:1983:259, paragraph 31; of 17 January 2002, *Rica Foods* v *Commission*, T-47/00, EU:T:2002:7, paragraph 55; and order of 14 December 2005, *Arizona Chemical and Others* v *Commission*, T-369/03, EU:T:2005:458, paragraph 72).

76 Moreover, the judicial protection enjoyed by a natural or legal person under the fourth paragraph of Article 263 TFEU must be established on the basis of the specific situation of that person compared to all other persons concerned. Thus, what matters for identifying the persons individually concerned by a decision introducing a safeguard measure is the protection enjoyed under EU law by the country or territory, and by the undertakings concerned, against which the safeguard measure is adopted (see, to that effect, judgment of 11 February 1999, *Antillean Rice Mills and Others* v *Commission*, C-390/95 P, EU:C:1999:66, paragraph 28).

77 The fact that the Commission is obliged, under specific provisions, to take account of the consequences of the act it intends to adopt on the situation of certain natural or legal persons is also likely to distinguish those persons (see, to that effect, judgment of 14 September 1995, *Antillean Rice Mills and Others* v *Commission*, T-480/93 and T-483/93, EU:T:1995:162, paragraph 67 and the case-law cited).

78 In the present case, the Kingdom of Cambodia is expressly and specifically referred to in the contested regulation. It is identified by name in the title of the contested regulation as the country in respect of which the safeguard measures are imposed.

79 As regards the procedural guarantees enjoyed by the Kingdom of Cambodia as a country against which safeguard measures have been adopted, Article 22(4) of the GSP Regulation provides that the Commission is empowered to adopt delegated acts to establish rules related to the procedure for adopting general safeguard measures, in particular with respect to the rights of the parties.

80 It was on that basis that Commission Delegated Regulation (EU) No 1083/2013 of 28 August 2013 establishing rules related to the procedure for temporary withdrawal of tariff preferences and adoption of general safeguard measures under the GSP Regulation (OJ 2013 L 293, p. 16; 'the delegated regulation') was adopted.

81 In accordance with the procedural rules established by the delegated regulation, the EBA beneficiary country and 'interested parties', defined in Article 22(3) of the GSP Regulation as parties involved in the production, distribution or sale of imports originating in a beneficiary country of any of the preferential arrangements and of like or directly competing products, are granted a number of procedural rights and guarantees.

82 In addition to its status as a beneficiary country of the EBA regime, the Kingdom of Cambodia has also been recognised as an 'interested party'. It is apparent from recital 19 of the contested regulation that the Commission included the Government of Cambodia in the list of 'interested parties' which submitted observations following the Commission's disclosure of its findings.

83 The delegated regulation provides that the Kingdom of Cambodia, as a beneficiary country of the EBA regime, and all other interested parties are entitled to be advised of the initiation of the investigation and to be provided with the full text of the written complaint (Article 10(2) of the delegated regulation). At the investigation stage, the Commission is under an obligation to take into consideration the views of interested parties, where they are backed by sufficient evidence (Article 11(2) of the delegated regulation). Subsequently, where the Commission discloses the essential considerations on the basis of which it took its decision, those same parties may also submit their comments, which must be taken into consideration by the Commission (Article 17(3) and (5) of the delegated regulation).

84 The Kingdom of Cambodia, as a beneficiary country of the EBA regime, and all other interested parties, also have a right of access, upon written request, to the file compiled by the Commission after the initiation of the investigation. They may inspect all information contained in the file and respond to such information. Their comments are to be taken into consideration wherever they are sufficiently substantiated (Article 14(2) of the delegated regulation). That regulation also grants the EBA

beneficiary country and interested parties the right to be heard by the Commission (Article 15(1) of the delegated regulation) and to request the intervention of a Hearing Officer (Article 16(1) of the delegated regulation).

85 As regards the active participation of the Kingdom of Cambodia in the investigation procedure, it is common ground that the Kingdom of Cambodia intervened in the procedure leading to the adoption of the contested regulation. In recital 19 of the contested regulation, the Commission makes reference to the observations submitted by the Government of Cambodia as an interested party. Further references to the active participation of the Kingdom of Cambodia or the Government of Cambodia in the investigation carried out by the Commission are made in recitals 34, 41, 52, 72 and 73 of the contested regulation.

86 Mere active participation in the investigation is not a sufficient condition in itself to assess whether a natural or legal person is individually concerned but, nevertheless, it is not irrelevant. The active participation of an applicant in the investigation procedure, for example by way of the communication of data and the filing of written observations, is a relevant factor for establishing whether that applicant is individually concerned (see, to that effect, judgments of 16 April 2015, *TMK Europe*, C-143/14, EU:C:2015:236, paragraphs 24 to 26, and of 11 July 1996, *Sinochem Heilongjiang* v *Council*, T-161/94, EU:T:1996:101, paragraph 47).

87 As regards the need to take account of the consequences of the contested regulation on the situation of the Kingdom of Cambodia, the Court finds that, as is apparent from paragraphs 56 to 59 above, the contested regulation, by temporarily suspending the protection enjoyed by the Kingdom of Cambodia under the GSP Regulation, is liable to cause it significant economic damage, given the importance to that country's economy of exports of Indica rice to the European Union.

88 The Commission itself raised the objective of the GSP Regulation as a reason justifying progressive liberalisation of the safeguard measures over the period of three years and thus considered that a progressive reduction in the rate of duty applicable should be sufficient for the EU industry to counteract the deterioration of its economic or financial situation (recitals 81 to 85 of the contested regulation).

89 The Court concludes from the foregoing that, when adopting safeguard measures, the Commission must, in so far as the circumstances of the case permit, inquire into the negative effects which its decision might have on the economy of the Kingdom of Cambodia, as a beneficiary country of the EBA regime, as well as on the interested parties, and thus finds that that those parties are to be regarded, for the purposes of the admissibility of an action, as individually concerned in so far as they are members of a limited class of natural or legal persons who were identified or identifiable by the Commission and particularly affected by the contested regulation (see, to that effect, judgments of 17 January 1985, *Piraiki-Patraiki* v *Commission*, 11/82, EU:C:1985:18, paragraphs 28 and 31, and of 11 February 1999, *Antillean Rice Mills and Others* v *Commission*, C-390/95 P, EU:C:1999:66, paragraph 25 and the case-law cited).

90 The Commission's obligation to take into consideration the specific situation of the Kingdom of Cambodia is borne out by the finding that the adoption of safeguard measures on the basis of Article 26 of the GSP Regulation infringes and derogates from the freedom to export resulting from the preferential access to the EU market granted to the Kingdom of Cambodia on the basis of the GSP Regulation.

91 Where a decision affects a group of persons who were identified or identifiable when that measure was adopted by reason of criteria specific to the members of the group, those persons might be individually concerned by that measure inasmuch as they form part of a limited class of traders and that that can be the case particularly when the decision alters rights acquired by those persons prior to its adoption (see judgment of 27 February 2014, *Stichting Woonpunt and Others* v *Commission*, C-132/12 P,

EU:C:2014:100, paragraph 59 and the case-law cited). In the present case, the Kingdom of Cambodia is part of a closed class, in so far as it is a beneficiary country of the EBA regime, identified in the contested regulation, which played an active part in the procedure leading to the adoption of the contested regulation, and in respect of which the consequences of the safeguard measures were taken into account for the purpose of setting the Common Customs Tariff duties.

92 It follows from points 79 to 91 above that the Kingdom of Cambodia is in a situation which is differentiated from that of any other person.

93 Accordingly, without it being necessary to determine whether the contested regulation constitutes a regulatory act not entailing implementing measures, within the meaning of the second scenario provided for by the case-law cited in paragraph 39 above, it must be concluded that the Kingdom of Cambodia is individually concerned by the contested regulation and therefore has standing within the meaning of the fourth paragraph of Article 263 TFEU.

2. As regards the CRF:

94 Although it is clear from settled case-law that, where a single action has been lodged by a number of applicants and it has been established that one of those applicants has standing, there is no need to consider whether the other applicants are entitled to bring proceeding (see, to that effect, judgments of 24 March 1993, *CIRFS and Others* v *Commission*, C-313/90, EU:C:1993:111, paragraph 31, and of 9 July 2007, *Sun Chemical Group and Others* v *Commission*, T-282/06, EU:T:2007:203, paragraph 50 and the case-law cited), the Court has decided, for the sake of completeness, to examine the admissibility of the action with regard to the CRF.

95 As a preliminary point, it must be borne in mind that, pursuant to the case-law, actions brought by associations are admissible in three well-defined situations. More particularly, first, where a legal provision expressly grants trade associations a series of procedural rights; secondly, where the association represents the interests of undertakings which would be entitled to bring proceedings in their own right; and thirdly, where the association is differentiated because its own interests as an association are affected, and especially where its position as negotiator is affected by the measure which it seeks to have annulled (see order of 30 September 1997, *Federolio* v *Commission*, T-122/96, EU:T:1997:142, paragraph 61 and the case-law cited, and judgment of 15 January 2013, *Aiscat* v *Commission*, T-182/10, EU:T:2013:9, paragraph 48 and the case-law cited).

96 In the present case, the CRF claims that it is acting on behalf of its members and on its own behalf. Thus, it is essentially relying on the second and third situations. It is therefore necessary to assess whether, first, the CRF and, secondly, its members are directly and individually concerned by the contested regulation.

97 The Court considers it appropriate to examine, first, the second situation referred to in paragraph 94 above, namely where the association represents the interests of member undertakings which would be entitled to bring proceedings in their own right.

98 In that situation, an association's ability to bring an action is based on the consideration that an action brought by an association presents procedural advantages, since it obviates the institution of numerous separate actions against the same acts, as the association has substituted itself for one or more of its members whose interests it represents, who could themselves have brought an admissible action (see, to that effect, judgment of 6 July 1995, *AITEC and Others* v *Commission*, T-447/93 to T-449/93, EU:T:1995:130, paragraph 60).

99 It is therefore necessary to examine whether the members of the CRF would have been in a situation allowing them to bring an admissible action on the basis of the fourth paragraph of Article 263 TFEU. Since those undertakings are not addressees of the contested regulation, the question whether the contested regulation is of direct and individual concern to them must be examined.

100 First of all, it follows from the case-law cited in paragraphs 40 to 42 above that it cannot be ruled out that a regulation imposing safeguard measures, which is legislative in nature and scope, in so far as it applies generally to the economic operators concerned, is liable to be of direct and individual concern to some of those operators, including, in particular, under certain conditions, the producers and exporters of the product in question.

101 Such acts are liable to be of direct and individual concern to producers and exporters of Indica rice originating in Cambodia which are allegedly responsible for the serious difficulties caused, or likely to be caused, to the EU industry on the basis of data relating to their commercial activity. That is so where producers and exporters are able to establish that they were identified in the measures adopted by the Commission, or were concerned by the preliminary investigations (see, to that effect, judgments of 21 February 1984, *Allied Corporation and Others* v *Commission*, 239/82 and 275/82, EU:C:1984:68, paragraphs 11 and 12, and of 7 May 1987, *NTN Toyo Bearing and Others* v *Council*, 240/84, EU:C:1987:202, paragraph 5).

102 Accordingly, the Court will focus on whether the CRF has standing on behalf of its members identified by the Commission in the contested regulation or concerned by the procedure leading to the adoption of the contested regulation.

(a) Direct concern of the members of the CRF that were identified or concerned

103 First, it should be noted that it follows from the case-law cited in paragraphs 100 and 101 above that an undertaking cannot be considered directly concerned by a regulation imposing safeguard measures solely on account of its capacity as a producer of the product subject to that measure, since the capacity of exporter is essential in that regard. It follows from that case-law that whether certain producers and exporters of the product at issue are directly concerned by a regulation imposing safeguard measures is connected, in particular, with the fact that they are alleged to be responsible for the serious difficulties caused, or likely to be caused, to the European Union industry. A producer that does not export its production to the EU market, but simply sells it on its national market, cannot be for the cause of such difficulties (see, to that effect, judgment of 28 February 2019, *Council* v *Growth Energy and Renewable Fuels Association*, C-465/16 P, EU:C:2019:155, paragraph 74).

104 In the present case, it is clear from recitals 8, 35 and 38 of the contested regulation that the Commission stated that it had received 13 replies to the sampling exercise from exporting millers from Cambodia. Three of them were initially selected on the basis of the highest export volume to the European Union. Following further assessment and comments received from the CRF, the Commission replaced two exporters from Cambodia and stated that ultimately only one exporting company from Cambodia replied to the questionnaire. The capacity of exporter of the Cambodian companies subject to the investigation procedure and sampling is therefore uncontested. Similarly, the Commission does not dispute that the Cambodian exporters thus identified and concerned by the procedure leading to the adoption of the contested regulation are members of the CRF. Among them, Amru Rice (Cambodia) Co., Ltd was identified by name in the contested regulation and Golden Rice (Cambodia) Co., Ltd replied to the questionnaire sent by the Commission.

105 Moreover, the commercial conduct of Cambodian exporters directly triggered the request for an investigation by the Commission, which led to the adoption of the contested regulation. Furthermore, it is also apparent from recitals 62 to 64 of the contested regulation that the export to the EU market of the production of the CRF members and their business activities are directly responsible for the findings of serious difficulties suffered by the EU industry.

106 Secondly, as regards the effects on the legal situation of the natural or legal persons concerned, it is apparent from paragraphs 52 to 62 above that the contested regulation, in so far as it reintroduces the Common Customs Tariff duties on imports of Indica rice originating in Cambodia by the exporting members of the CRF to the European Union, changes the material situation of those members. Thus, it is common ground that the reintroduction of Common Customs Tariff duties is liable to make exports to the European Union more difficult, as recognised by the Commission in recital 84 of the contested regulation. The contested regulation also changes their legal situation. That regulation amends the rights granted to Cambodian exporters by the GSP Regulation under which they benefit from preferential access to the EU market by means of a total suspension of Common Customs Tariff duties.

107 Thirdly, having regard to the principles set out in paragraphs 63 to 65 above, it is necessary to reject the Commission's argument that the legal situation of the exporting members of the CRF is not directly affected because the safeguard measures imposed by the contested regulation apply only to importers established in the European Union. Those measures directly affect the exporting members of the CRF, which are limited in their economic activity. The temporary reintroduction of Common Customs Tariff duties on imports of Indica rice originating in Cambodia into the EU is tantamount to limiting access to the EU market to exporters who previously enjoyed preferential access to the EU market by means of a special scheme of tariff preferences. Thus, the mere fact that the exporting members of the CRF do not pay the tariffs applicable to imports of Indica rice originating in Cambodia into the European Union, since those duties are paid by importers, does not support the conclusion that the contested regulation has no effect on their legal situation.

108 Fourthly, a company whose products are subject to safeguard measures is directly concerned by a regulation introducing such measures because that regulation obliges the customs authorities of the Member States to levy the duties imposed without leaving them any discretion (see, to that effect, judgments of 25 September 1997, *Shanghai Bicycle* v *Council*, T-170/94, EU:T:1997:134, paragraph 41 and the case-law cited, and of 19 November 1998, *Champion Stationery and Others* v *Council*, T-147/97, EU:T:1998:266, paragraph 31). In the present case, it has already been found, in paragraphs 66 and 68 above, that the contested regulation leaves no discretion to the addressees responsible for its implementation.

109 It must therefore be concluded that the exporting member of the CRF that was identified by the Commission in the contested regulation and the exporting members of the CRF that were identified in and concerned by the procedure leading to the adoption of that regulation are directly concerned by the contested regulation.

(b) Individual concern of the members of the CRF that were identified or concerned

110 As has already been stated in paragraphs 42, 71 to 77, 100 and 101 above, the legislative nature of the contested regulation does not preclude certain undertakings from being individually concerned by that regulation by reason of certain attributes peculiar to them which differentiate them from all other persons.

111 In that regard, it must, first of all, be noted that the judicial protection afforded to undertakings individually concerned by safeguard measures cannot be affected by the mere fact that the measures are imposed by reference to a State and not to individual undertakings (see, to that effect, judgment of

25 September 1997, *Shanghai Bicycle* v *Council*, T-170/94, EU:T:1997:134, paragraph 38). Thus, the fact that the safeguard measures imposed by the contested regulation are imposed at national level, and not by reference to the exporters identified, cannot in itself prevent the exporting members of the CRF from obtaining judicial protection.

112 In any event, it has previously been held that an exporting producer that is expressly named in a contested regulation may be regarded as individually concerned by that regulation (see, to that effect, judgment of 18 October 2016, *Crown Equipment (Suzhou) and Crown Gabelstapler* v *Council*, T-351/13, not published, EU:T:2016:616, paragraph 28 and the case-law cited). In the present case, it follows from paragraph 104 above that Amru Rice (Cambodia) Co. was expressly named in the contested regulation and that other exporting members of the CRF were identified by the Commission during the sampling and investigation procedure.

113 Next, as regards the procedural guarantees enjoyed by members of the CRF, as exporters from Cambodia, it should be noted that, in accordance with the procedural rules laid down by the delegated regulation, exporters of Indica rice originating in Cambodia and 'interested parties' within the meaning of Article 22(3) of the GSP Regulation are granted a number of rights and procedural guarantees.

114 Thus, the delegated regulation provides that exporters and all other interested parties are entitled to be notified of the initiation of the investigation and to be provided with the full text of the written complaint (Article 10(2) of the delegated regulation). If the Commission wishes to carry out verification visits, including in third countries, in order to examine, inter alia, the records of exporters, it must obtain the agreement of the economic operators concerned by such visits and inform them of the nature of the information to be verified and provided (Article 12 of the delegated regulation). Interested parties are also granted the other rights set out in paragraphs 83 and 84 above.

115 In that respect, it should be recalled that, as stated in paragraph 104 above, it is not disputed that the Cambodian companies subject to the sampling and investigation procedure are exporters and that those exporters are members of the CRF. In addition, Amru Rice (Cambodia) Co., an exporting member of the CRF, was expressly named by the Commission in the list of 'interested parties'.

116 Furthermore, as regards the active participation of the exporting members of the CRF in the procedure leading to the adoption of the contested regulation, it is apparent from paragraphs 104 and 115 above that a number of exporting members of the CRF were selected by the Commission and took part in the sampling and investigation procedure. The Commission acknowledged that it used, to the extent possible, the data and comments provided by the exporting members of the CRF which participated in the investigation (recitals 8, 19, 35 and 38 of the contested regulation).

117 The fact that the Commission decided not to accept the information provided by certain undertakings that participated in the preparatory investigation has no effect on the fact that those undertakings may rely on their participation in the investigation in order to establish that they were distinguished individually. The exporters that took part in the sampling procedure, as well as those initially selected, participated in the preparatory investigation procedure and had their positions assessed by the Commission in the course of the procedure leading to the adoption of the contested regulation. That conclusion is not called into question by the fact that the Commission ultimately decided not to use the information provided by those exporters (see, to that effect, judgment of 11 July 1996, *Sinochem Heilongjiang* v *Council*, T-161/94, EU:T:1996:101, paragraph 47).

118 Moreover, as regards the obligation for the Commission to take account of the consequences of the measure it intends to adopt on the situation of the exporting producers that are members of the CRF, it follows from recitals 81 and 84 of the contested regulation that, by stating that Cambodia 'would not be facing full duties for the full three years making exports more difficult but would gradually be able to export more Indica rice to the [European] Union', the Commission acknowledged that the regulation would have a negative impact on the economic situation of Cambodian exporters and the

ease with which they are able export Indica rice originating in Cambodia to the European Union. It also took these consequences into account when deciding that a progressive reduction of the Common Customs Tariff duty rate would be sufficient.

119 Lastly, it should be added that those natural or legal persons against whom safeguard measures have been imposed on the basis of information relating to their business activities may be individually concerned (see, to that effect, judgment of 18 October 2018, *Rotho Blaas*, C-207/17, EU:C:2018:840, paragraph 33 and the case-law cited).

120 In the present case, it follows from recitals 27 to 42 and 61 to 64, 66 to 68, 76 and 77 of the contested regulation that the Commission used Eurostat figures relating to imports from Cambodia, and thus from Cambodian exporting companies, in absolute terms and in terms of market share, as well as their prices, and explicitly linked the increase in those imports to the serious difficulties caused to the EU industry, which, in the Commission's view, justified the adoption of safeguard measures. The exporting member of the CRF that was expressly named in the contested regulation and the exporting members of the CRF identified by the Commission and concerned by the sampling and investigation procedure are thus individually concerned by the contested regulation given that the safeguard measures were imposed on the basis of information relating to their business activities.

121 In the light of the foregoing, it must be held that the members of the CRF that are exporters of Indica rice originating in Cambodia to the European Union are to be regarded as forming part of a closed class within the meaning of the case-law, since they were expressly named in the contested regulation and participated in the procedure leading to the adoption of that regulation, in which information relating to their business activities was used to impose the safeguard measures against them and for which the consequences of those measures were taken into account for the purpose of setting the Common Customs Tariff duties. Those undertakings are therefore individually concerned by the contested regulation.

122 It must therefore be concluded that the CRF has standing on behalf of its members exporting Indica rice originating in Cambodia to the European Union which are directly and individually concerned by the contested regulation, without there being any need to assess whether the CRF has standing in its own right or on behalf of those of its members that were neither identified by the Commission nor concerned by the procedure which led to the adoption of the contested regulation, and without there being any need to determine whether the contested regulation constitutes a regulatory act not entailing implementing measures, within the meaning of the second scenario provided for by the case-law cited in paragraph 39 above.

B. The standing of the Kingdom of Cambodia and the CRF to bring an action against the contested regulation

123 Since the argument that the Kingdom of Cambodia and the CRF have no standing to bring proceedings was raised in the alternative by the Commission, the Court points out that, according to settled case-law, an action for annulment brought by a natural or legal person is admissible only in so far as that person has an interest in having the contested act annulled. Such an interest requires that the annulment of that act must be capable, in itself, of having legal consequences and that the action may therefore, through its outcome, procure an advantage to the party which brought it (see, to that effect, judgments of 17 September 2009, *Commission* v *Koninklijke FrieslandCampina*, C-519/07 P, EU:C:2009:556, paragraph 63; of 21 December 2011, *ACEA* v *Commission*, C-319/09 P, not published, EU:C:2011:857, paragraph 67; of 27 February 2014, *Stichting Woonpunt and Others* v *Commission*, C-132/12 P, EU:C:2014:100, paragraph 67; and of 27 February 2014, *Stichting Woonlinie and Others* v *Commission*, C-133/12 P, EU:C:2014:105, paragraph 54).

124 An applicant's interest in bringing proceedings must be vested and current. It may not concern a future and hypothetical situation. That interest must, in the light of the purpose of the action, exist at the stage of lodging the action, failing which the action will be inadmissible, and continue until the final decision, failing which there will be no need to adjudicate (see, to that effect, judgments of 17 September 2015, *Mory and Others* v *Commission*, C-33/14 P, EU:C:2015:609, paragraphs 56 and 57 and the case-law cited, and of 10 April 2019, *Deutsche Post* v *Commission*, T-388/11, EU:T:2019:237, paragraph 48 and the case-law cited).

125 It is the applicant that must prove that it has an interest in bringing proceedings. If the interest pleaded by an applicant concerns a future legal situation, it must demonstrate that the prejudice to that situation is already certain. Therefore, an applicant cannot rely on future and uncertain situations to justify its interest in applying for annulment of the contested act (see judgment of 30 April 2014, *Hagenmeyer and Hahn* v *Commission*, T-17/12, EU:T:2014:234, paragraph 39 and the case-law cited).

126 In the present case, the Court notes that it has already been found that the contested regulation had effects both on the economic situation and on the legal situation of the Kingdom of Cambodia and of the exporting members of the CRF.

127 Since the activities of the Kingdom of Cambodia and the CRF are affected by the contested regulation, the annulment of the Common Customs Tariff duties reintroduced by that regulation on imports into the European Union of Indica rice originating in Cambodia is liable to procure an advantage to the Kingdom of Cambodia and the CRF.

128 It must therefore be concluded that Cambodia and the CRF, in relation to its exporting members concerned by the investigation which led to the adoption of the contested regulation, have an interest in seeking the annulment of that regulation.

129 That conclusion is not called into question by the case-law cited by the Commission.

130 In the judgment of 21 December 2016, *Council* v *Front Polisario* (C-104/16 P, EU:C:2016:973), the Court of Justice ruled on the application of a liberalisation agreement by the authorities of a third State to a geographical area which was the subject of territorial claims. The question thus raised a problem of international law relating to the recognition of a territory's borders and not to the effects of a regulation under the EU's trade policy.

131 It follows from all the foregoing that the plea of inadmissibility must be rejected.

Costs

132 Under Article 133 of the Rules of Procedure, a decision as to costs is to be given in the judgment or order which closes the proceedings. As the present order does not close the proceedings, the costs are reserved.

On those grounds,

THE GENERAL COURT (Fifth Chamber, Extended Composition)

Hereby orders:

1. The plea of inadmissibility is rejected.

2. The costs are reserved.

Luxembourg, 10 September 2020.

E. Coulon
Registrar

S. Papasavvas
Acting as President