cant lodged against it not culminating in the adoption by the Commission of binding measures in its regard. It follows that the application to intervene made by the undertaking in question satisfies the requirements of Article 37 of the Statute of the Court of Justice of the EEC and must be granted.

2. Under Article 35(2)(b) of its Rules of Procedure, the Court of First Instance may, at the request of one of the parties, authorize a language other than the language of the case to be used for all or part of the proceedings. However, since this is a question of securing a derogation from the exclusive use of the language of the case, a request to that effect must be accompanied by a detailed and specific statement of reasons showing that, in the absence of such a derogation, the rights of the party making the request would be impaired or that it would not be able to understand the proceedings.

As an exception to the rule prescribing the exclusive use of the language of the case before the Court of First Instance, therefore, Article 36(1) of those Rules, which provides that it may be ordered that anything said or written in the course of the proceedings be translated into another language, must be interpreted strictly, namely as relating solely to such translations as are deemed necessary for the purposes of complying with the rights of the defence of one of the parties to the proceedings or of the proper conduct of the proceedings and of the work of the Court.

ORDER OF THE COURT OF FIRST INSTANCE
13 May 1993 *

In Case T-74/92,

Ladbroke Racing (Deutschland) GmbH, a company incorporated under German law and having its registered office in Cologne, represented by Jeremy Lever QC and Christopher Vajda, members of the Bar of England and Wales, and Stephen Kon, Solicitor, with an address for service in Luxembourg at the Chambers of Winandy & Err, 60 Avenue Gaston Diderich,

applicant,

* Language of the case: English.

V

Commission of the European Communities, represented by Julian Currall and Francisco Enrique González-Díaz, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the office of Nicola Annecchino, of its Legal Service, Wagner Centre, Kirchberg,

defendant,

APPLICATION under Article 175 of the EEC Treaty, for a declaration that the Commission has failed to rule on the infringement of Article 86 of the EEC Treaty alleged by the applicant in its complaint which has given rise to a procedure concerning the refusal to supply it, on a contractual basis, with relayed television pictures of and commentary on horse races organized in France (IV/33.375 — Ladbroke Deutschland/PMU — PMI — DSV),

THE COURT OF FIRST INSTANCE
OF THE EUROPEAN COMMUNITIES,

composed of: J. L. Cruz Vilaça, President, D. Barrington, J. Biancarelli, C. P. Briët and A. Kalogeropoulos, Judges,

Registrar: H. Jung,

makes the following

Order

1 By application lodged at the Registry of the Court of First Instance on 15 February 1993, Deutscher Sportverlag Kurt Stoof GmbH&Co. (hereafter 'DSV'), whose registered office is in Cologne (Federal Republic of Germany), represented by Klaus-Jürgen Michaeli and Ute Zinsmeister, Rechtsanwälte, Düsseldorf, with an address for service in Luxembourg at the Chambers of Bonn and Schmitt, 62 Avenue Guillaume, applied to intervene in Case T-74/92 in support of the forms of order sought by the defendant.

2 The application to intervene was brought in accordance with Article 115 of the Rules of Procedure of the Court of First Instance and pursuant to the second paragraph of Article 37 of the Statute of the Court of Justice of the EEC, which is applicable to the procedure before the Court of First Instance by virtue of the first paragraph of Article 46 of that Statute.

3 In its application to intervene, DSV claims that the complaint at the origin of the proceedings, which was sent by the applicant to the Commission, was directed against it among others and that it accordingly has an interest in its being ruled that the Commission treated it in accordance with the rules of the Treaty.

4 The application to intervene was served on the parties in accordance with Article 116(1) of the Rules of Procedure of the Court of First Instance.

5 By letter lodged on 26 February 1993, the defendant indicated that it had no objections to raise against the application to intervene.

6 By letter lodged on 11 March 1993, the applicant raised no objections against the application to intervene, but observed that DSV had only a peripheral interest in an essentially procedural action and urged that the intervention requested should not delay the procedure.

7 The President referred this application to the Second Chamber.

8 The Court of First Instance (Second Chamber) notes that DSV has a definite interest in the complaint which the applicant lodged against it not culminating in the adoption by the Commission of binding measures in its regard. In those circumstances, its interest in supporting the Commission's position in an action which essentially seeks a declaration that its failure to deal with that complaint is unlawful cannot be denied.

9 It follows from the foregoing that DSV should be given leave to intervene.

10 The applicant to intervene, referring to its constitution and to that of the applicant as companies incorporated under German law, further requested the Court to authorize it to use German for any statement or document to be lodged in the course of the written procedure and for the presentation of its oral argument at the hearing and to instruct the Registrar, pursuant to Article 36 of the Rules of Procedure, to arrange for anything said or written in the course of the proceedings to be translated into German.

11 As to that request, the applicant observes that carrying out such translations would delay the procedure.

12 The Commission has not submitted observations on this subject.

13 In so far as DSV requests leave to use German in the course of these proceedings, in which the language of procedure, determined in accordance with Article 35(2) of the Rules of Procedure, is English, it should be noted that the fourth subparagraph of Article 35(3) of the Rules of Procedure dispenses only intervening Member States from compliance with the rule laying down that the language of the case must be used.

14 In addition, Article 35(2)(b) of the Rules of Procedure enables the Court, at the request of one of the parties and after the opposite party has been heard, to authorize another of the languages mentioned in Article 35(1) to be used as the language of the case for all or part of the proceedings. However, since this is a question of securing a derogation from the rule on the use of the language of the case, a request to that effect must be accompanied by a detailed and specific statement of reasons.

15 Since DSV has adduced no information supporting the conclusion that, in the absence of such a derogation, its rights would be impaired, its request, which is a global one relating to the whole of the procedure, must be dismissed.

16 As for the request by DSV that the Court should order, pursuant to Article 36(1) of the Rules of Procedure, that everything to be said and written in the course of the proceedings be translated into German, it should be noted that that provision, as an exception to the rule laid down in the first subparagraph of Article 35(3) of the Rules of Procedure, prescribing the exclusive use of the language of the case before the Court, is to be strictly interpreted. It must be read in conjunction with the derogating provisions set out in Article 35(2)(a) and (b), concerning the active use of the language of the case, which do not grant the parties a right but merely empower the Court to authorize a derogation from the exclusive use of the language of the case. In the context of those provisions, Article 36(1) of the Rules of Procedure must be understood as relating solely to such translations as are deemed necessary for the purposes of complying with the rights of the defence of one of the parties to the proceedings or of the proper conduct of the proceedings and of the work of the Court.

17 In this case, DSV has not established that it or its counsel is unable to understand the relevant proceedings in a language other than German, in particular by obtaining, through their own efforts, German translations of procedural documents written in English. In those circumstances, its general request for the translation of everything said and written throughout the proceedings cannot be granted.

18 If it should prove in the course of the proceedings that, in order to be able effectively to follow the procedure and defend its interests, DSV or its counsel need the translation of certain specific items in the case-file or the simultaneous interpretation of what is said at the hearing, or, in addition, need to be able themselves to use German for particular parts of the proceedings, in particular when presenting their oral argument at the hearing, they may, if necessary, make a new specific and duly reasoned application to that effect when the need arises.

On those grounds,

THE COURT OF FIRST INSTANCE

hereby orders:

1. **Deutscher Sportverlag Kurt Stoof GmbH&Co. is granted leave to intervene in support of the forms of order sought by the defendant;**

2. **A period shall be prescribed within which the intervener must state in writing the pleas relied on in support of the forms of order which it seeks;**

3. **The Registrar shall serve on the intervener a copy of every document served on the parties;**

4. **The request to the effect that, first, German may be used throughout the proceedings and, secondly, the Registrar should arrange for the translation of everything to be said and written in the course of the proceedings is dismissed;**

5. **The costs are reserved.**

Luxembourg, 13 May 1993.

H. Jung — J. L. Cruz Vilaça

Registrar — President