ORDER OF THE COURT
OF 8 APRIL 1981 [1]

Ludwigshafener Walzmühle Erling KG and Others v European Economic Community

Joined Cases 197 to 200, 243, 245 and 247/80

Procedure — Intervention — Interest in intervening — None
(Statute of the Court of Justice of the EEC, Art. 37)

In Joined Cases 197 to 200, 243, 245 and 247/80

LUDWIGSHAFENER WALZMÜHLE ERLING KG, Bremen, AND OTHERS,

applicants,

v

EUROPEAN ECONOMIC COMMUNITY,

represented by

1. The Council of the European Communities,
2. The Commission of the European Communities,

defendants,

Interveners:

1. COMITÉ FRANÇAIS DE LA SEMOULERIE INDUSTRIELLE,
2. THE GOVERNMENT OF THE ITALIAN REPUBLIC,
3. SYNDICAT DES INDUSTRIELS FABRICANTS DE PÂTES ALIMENTAIRES DE FRANCE,
4. ASSOCIATION GÉNÉRALE DES PRODUCTEURS DE BLÉ ET AUTRES CÉRÉALES.

1 — Language of the Cases: German.

1 By an application lodged at the Court Registry on 27 February 1981, the Gewerkschaft Nahrung-Genuß-Gaststätten [Food Industry and Restaurant Employees' Trade Union], which is affiliated to the Deutscher Gewerkschaftsbund [German Trade Union Confederation] and whose head office is in Hamburg, applied for leave to intervene in the applicants' support in Joined Cases 197 to 200, 243, 245 and 247/80, Ludwigshafener Walzmühle Erling KG, Bremen, and Others v Council and Commission of the European Communities.

2 The applicant trade union states that it wishes to set forth the interest which it has in the success of the applicants' case and it explains that its interest is concerned with issues involved in the dispute which are outside the scope of the application itself, in particular questions relating to employment. It states that, depending on the outcome of the case, many skilled workers employed by the applicant undertakings stand to lose their employment and it draws attention to the fact that, as a result of the fixing of excessive prices for imports of durum wheat from non-member countries, a number of posts have already been directly affected in previous years.

3 The Council and the Commission have raised objections to the intervention of the applicant union on two types of ground.

4 In the first place, the defendant institutions point to the expiry, in all the cases except Case 247/80, of the period for lodging an application to intervene which is laid down by Article 93 (1) of the Rules of Procedure as three months calculated from the date of publication in the Official Journal of the notice relating to the bringing of the action. According to the defendants, this circumstance poses a procedural problem inasmuch as all the cases have been joined by the Court so that, on the assumption that it is allowed to intervene in Case 247/80, the applicant trade union would have indirect access to a series of proceedings in which its right to intervene has lapsed.

5 Secondly, the Council and the Commission maintain that the applicant trade union has not demonstrated any interest in the outcome of the case. The defendant institutions emphasize that the actions are for the recovery of damages and raise only indirectly the question, which apparently interests the applicant trade union, of the validity of the provisions on the determination

of the price of durum wheat in so far as they may affect the activities of the applicant undertakings and, in consequence, the level of employment.

Decision

6 According to the second paragraph of Article 37 of the Protocol on the Statute of the Court of Justice of the EEC, the right to intervene is open to any person "establishing an interest in the result of any case submitted to the Court".

7 The existence of such an interest must be assessed in relation to the purpose of the action which, in the present case, is to obtain compensation for the loss which the applicants claim to have suffered as a result of the Community's having fixed an inappropriate price for durum wheat.

8 In its capacity as an organization representing workers employed in the industrial sector in which the applicant undertakings are engaged, the applicant trade union has no specific interest in any payment of compensation to those undertakings. The purpose of the union's application to intervene is to support judicial proceedings which, if successful, could have a favourable impact on the economic well-being of the undertakings in question and, consequently, on the number of persons they employ.

9 Such an interest, which is indirect and remote in its nature, is not sufficiently clearly defined to justify intervention in the proceedings.

10 For those reasons, and without its being necessary to consider the procedural point which has been raised by the Council and the Commission and which results from the fact that intervention by the applicant union is time-barred in all the joined cases except the most recent one, the application to intervene must be dismissed.

THE COURT

composed of: J. Mertens de Wilmars, President, P. Pescatore, Lord Mackenzie Stuart and T. Koopmans (Presidents of Chambers), A. O'Keeffe, G. Bosco, A. Touffait, O. Due and U. Everling, Judges,

Advocate General: G. Reischl
Registrar: A. Van Houtte

hereby orders as follows:

1. **The application for leave to intervene is dismissed.**

2. **The applicant for leave to intervene shall pay the costs of the intervention proceedings.**

Luxembourg, 8 April 1981.

A. Van Houtte
Registrar

J. Mertens de Wilmars
President