ORDER OF THE PRESIDENT OF THE COURT
26 February 1996 *

In Case C-181/95,

REFERENCE to the Court under Article 177 of the EC Treaty by the Tribunal de Commerce, Nivelles, Belgium, for a preliminary ruling in the proceedings pending before that court between

Biogen Inc.

and

Smithkline Beecham Biologicals SA

on the interpretation of Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (OJ 1992 L 182, p. 1),

THE PRESIDENT OF THE COURT

after hearing the Advocate General, N. Fennelly,

makes the following

* Language of the case: French.

Order

1 By application lodged at the Court Registry on 12 December 1995, Research Corporation Technologies Inc., a company governed by United States law, sought leave to intervene in the present case to submit observations on the national court's second question.

2 In support of its application, it states that Article 37 of the EC Statute of the Court of Justice gives natural and legal persons the right to intervene in cases before the Court, including, it claims, preliminary ruling proceedings. Moreover, Article 20 of the EC Statute, which allows the parties, the Member States, the Commission and, where appropriate, the Council to submit statements of case or written observations, does not explicitly limit or preclude the right of natural and legal persons to intervene in preliminary ruling proceedings.

3 Such an application to intervene in preliminary ruling proceedings is inadmissible (see the order of the Court of 3 June 1964 in Case 6/64 *Costa* v *ENEL* [1964] ECR 614 and the judgment in Case 19/68 *De Cicco* v *Landesversicherungsanstalt Schwaben* [1968] ECR 473, at p. 479).

4 Article 37 of the EC Statute, on which the applicant relies, recognizes the right of natural and legal persons to intervene before the Court when they can establish an interest in the result of any case submitted to it. It further provides that the submissions made in an application to intervene must be limited to supporting the

submissions of one of the parties. It applies, therefore, to contentious proceedings before the Court, designed to settle a dispute.

5 Article 177 of the EC Treaty does not envisage contentious proceedings designed to settle a dispute but prescribes a special procedure whose aim is to ensure a uniform interpretation of Community law by cooperation between the Court of Justice and the national courts and which enables the latter to seek the interpretation of Community provisions which they have to apply in disputes brought before them.

6 Participation in cases of the kind referred to in Article 177 of the Treaty is governed by the first two paragraphs of Article 20 of the EC Statute, which limits the right to submit statements of case or observations to the parties, the Member States, the Commission and, where appropriate, the Council, the European Parliament and the European Central Bank. By the term 'parties', that article refers solely to the parties to the action pending before the national court (see Case 62/72 *Bollmann* v *Hauptzollamt Hamburg-Waltershof* [1973] ECR 269, paragraph 4). Such a provision would be pointless if the right to participate in Article 177 proceedings were recognized to all parties having an interest within the meaning of Article 37 of the EC Statute. Consequently, a person who has not sought or been granted leave to intervene before the national court is not entitled to submit observations to this Court under that provision.

7 The application to intervene by Research Corporation Technologies Inc. should therefore be dismissed as inadmissible.

8 There is no need to rule on costs as none have been incurred.

On those grounds,

THE PRESIDENT OF THE COURT

hereby orders:

1. **The application to intervene by Research Corporation Technologies Inc. is dismissed as inadmissible.**

2. **There is no need to rule on costs.**

Luxembourg, 26 February 1996.

R. Grass — Registrar

G. C. Rodríguez Iglesias — President