ORDER OF THE PRESIDENT OF THE COURT
28 September 1998 *

In Case C-151/98 P,

Pharos SA, a company incorporated under Belgian law, having its registered office in Seraing, Belgium, represented by Alexandre Vandencasteele, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 8-10 Rue Mathias Hardt,

appellant,

APPEAL against the judgment of the Court of First Instance of the European Communities (Third Chamber) of 17 February 1998 in Case T-105/96 *Pharos* v *Commission* [1998] ECR II-285, seeking to have that judgment set aside,

the other party to the proceedings being:

Commission of the European Communities, represented by Michel Nolin, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

defendant at first instance,

* Language of the case: French.

THE PRESIDENT OF THE COURT

having heard the Advocate-General, J. Mischo,

makes the following

Order

1 By application lodged at the Court Registry on 17 April 1998, Pharos SA brought an appeal under Article 49 of the EC Statute of the Court of Justice against the judgment of the Court of First Instance of the European Communities of 17 February 1998 in Case T-105/96 *Pharos* v *Commission* [1998] ECR II-285, in which it declared that there was no need to adjudicate on the application for a declaration that the Commission unlawfully failed to pursue the procedure for including somatosalm produced by the appellant in the list of substances not subject to maximum residue levels in Annex II to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ 1990 L 224, p. 1), and dismissed the application for an order that the Commission make good the damage which the applicant considered itself to have suffered through such inaction.

2 By application lodged at the Court Registry on 28 July 1998, the Fédération Européenne de la Santé Animale (European Federation of Animal Health (Fedesa)), established in Brussels, represented by Denis Waelbroeck, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Arendt & Medernach, 8-10 Rue Mathias Hardt, requested leave to intervene in Case C-151/98 P in support of the forms of order sought by the appellant, Pharos.

3 By letter lodged at the Court Registry on 20 August 1998 in response to notification of the application to intervene, the appellant informed the Court that it had no objection to Fedesa's being granted leave to intervene.

4 By letter lodged on the same date, the Commission informed the Court that it had no observations to make regarding that application.

5 The application to intervene was submitted in accordance with Articles 93 and 123 of the Rules of Procedure and pursuant to the second paragraph of Article 37 of the EC Statute of the Court of Justice.

6 In accordance with that latter provision, the right to intervene in a case before the Court is open to any person establishing an interest in the result of the case. In particular, the Court allows intervention by representative associations whose object is to protect their members in cases raising questions of principle liable to affect those members (see Order in Joined Cases C-151/97 P(I) and C-157/97 P(I) *National Power and PowerGen* [1997] ECR I-3491, paragraph 66).

7 Fedesa is a non-profit-making association comprising national associations from the animal health industry in Europe and manufacturers of animal health products. It appears from the papers submitted that its members include 11 national associations from the animal health industry and 19 pharmaceutical companies. Under Article 1(2)(c) of its statutes, Fedesa's purpose is 'the representation of the common interests of the European animal health industry before European and other international authorities'.

8 This case raises, furthermore, questions of principle regarding the Commission's margin for manoeuvre under the Community procedure laid down by Regulation No 2377/90 for establishing maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, and the answer to those questions is of direct concern to the members of Fedesa.

9 In those circumstances, Fedesa can be granted leave to intervene in support of the forms of order sought by the appellant.

On those grounds,

THE PRESIDENT OF THE COURT

hereby orders:

1. The Fédération Européenne de la Santé Animale is granted leave to intervene in Case C-151/98 P in support of the forms of order sought by the appellant.

2. A period shall be prescribed for the intervener to put forward its pleas in support of the forms of order sought.

3. A copy of all the pleadings shall be served on the intervener by the Registrar.

4. Costs are reserved.

Luxembourg, 28 September 1998.

R. Grass

Registrar

G. C. Rodríguez Iglesias

President