

Case C-50/00 Unión de Pequeños Agricultores (UPA) v Council [2002] ECR I-6677

Facts: An association of farmers sought to annul a Regulation amending the common organisation of the olive oil market. The Court of First Instance decided that the members were not individually concerned by as they were in the same situation as any other trader who may enter the markets at that point or in the future. The association of farmers appealed, contending that effective judicial protection would be rendered hollow if it could not appeal the measure.

Held: The appeal was dismissed. A regulation could be challenged, provided the applicant could show individual concern under the test laid down in *Plaumann v. Commission*: if one of those conditions is not fulfilled, a natural or legal person does not, under any circumstances, have standing to bring an action for the annulment of a regulation. Nevertheless, the EU is based on the rule of law, in which its institutions are subject to the judicial review of the compatibility of their acts with the Treaty and with general principles of law. However, the Treaty established a complete system of legal remedies and individuals lacking standing could plead the invalidity of EU measures indirectly or plead the invalidity in national courts and ask them to make a reference for a preliminary ruling. It was incumbent on the Member States to have adequate remedies which ensured respect for the right to effective judicial protection. On this basis, it would not be acceptable to make available a direct action for annulment where national procedural rules did not allow the individual to bring proceedings to challenge the validity of EU measures.