

Case 25/62 Plaumann & Co. v Commission [1963] ECR 95

Facts: A German importer from non-EU countries challenged a Commission decision addressed to the German Government refusing authorisation to partially suspend the collection of customs duties. The Commission argued that non-addressee individuals could not bring an action for annulment.

Held: The action for annulment was inadmissible. The Treaty itself does not define what is of 'individual concern', but this did not mean that the provisions regarding the right of interested parties to bring an action should be interpreted restrictively. The test for individual concern was therefore laid down, and required that a decision must affect persons other than those to whom a decision is addressed by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons and by virtue of these factors distinguishes them individually just as in the case of the person addressed.

On the facts, the applicant had been affected by the disputed decision as an importer. However, as this activity could be carried on by anyone at the time, the applicant did not belong to a closed category of people.