

**Appeal brought on 10 January 2013 by Gérard Buono, Jean-Luc Buono, Roger Del Ponte, Serge Antoine Di Rocco, Jean Gérald Lubrano, Jean Lubrano, Jean Lucien Lubrano, Fabrice Marin, Robert Marin against the judgment of the General Court (Fifth Chamber) delivered on 7 November 2012 in Case T-574/08 *Syndicat des thoniers méditerranéens and Others v Commission***

(Case C-12/13 P)

(2013/C 71/18)

*Language of the case: French*

#### Parties

*Appellants:* Gérard Buono, Jean-Luc Buono, Roger Del Ponte, Serge Antoine Di Rocco, Jean Gérald Lubrano, Jean Lubrano, Jean Lucien Lubrano, Fabrice Marin, Robert Marin (represented by: A. Arnaud and P-O. Koubi-Flotte, lawyers)

*Other parties to the proceedings:* European Commission, *Syndicat des thoniers méditerranéens*, Marc Carreno, Jean Louis Donnarel, Jean-François Flores, Gérald Jean Lubrano, Hervé Marin, Nicolas Marin, Sébastien Marin, Serge Antoine José Perez

#### Form of order sought

— Set aside the judgment of 7 November 2012 in Case T-574/08;

— Order the Union to pay them the following sums:

— For Mr Gérard Buono (appellant No 1) and Mr Jean Luc Buono (appellant No 2), acting jointly in respect of their boats GERARD LUC III and IV, the sum of EUR 1 523 588,94 is sought;

— For Mr Roger Del Ponte (appellant No 3), acting in respect of the boat ROGER CHRISTIAN IV, the sum of EUR 1 068 600 is sought;

— For Mr Serge Antoine Di Rocco (appellant No 4), acting in respect of the boat ANNE ANTOINE II, the sum of EUR 1 094 800 is sought;

— For Mr Jean Gérald Lubrano (appellant No 5), acting in respect of the boat VILLE D'ARZEW II, the sum of EUR 855 628,20 is sought;

— For Mr Jean Lubrano (appellant No 6) and Mr Jean Lucien Lubrano (appellant No 7), acting jointly in

respect of their boats GERALD JEAN III and IV, the sum of EUR 1 523 588,94;

— For Mr Fabrice Marin (appellant No 8) and Mr Robert Marin (appellant No 9), acting jointly for their boat ERIC MARIN, the sum of EUR 865 784,59 is sought;

— In the alternative, refer the case back to the General Court to enable it to rule again on the basis of the solutions given by the Court.

#### Pleas in law and main arguments

The appellants rely on three pleas in law in support of their appeal.

First, the appellants complain that the General Court wrongly assessed the harm suffered by them in the context of the plea referring to non-contractual liability for an illegal act.

Second, the appellants maintain that the General Court, by not carrying out a correct assessment of the harm individually suffered by each appellant, infringed fundamental rights guaranteed under European Union law.

Third, and in the alternative, the appellants complain that the General Court failed to acknowledge, on the basis of the general principles common to the laws of the Member States, non-contractual liability for a lawful act.

---

**Appeal brought on 10 January 2013 by the Syndicat des thoniers méditerranéens, Marc Carreno, Jean Louis Donnarel, Jean-François Flores, Gérald Jean Lubrano, Hervé Marin, Nicolas Marin, Sébastien Marin, Serge Antoine José Perez against the judgment of the General Court (Fifth Chamber) delivered on 7 November 2012 in Case T-574/08 *Syndicat des thoniers méditerranéens and Others v Commission***

(Case C-13/13 P)

(2013/C 71/19)

*Language of the case: French*

#### Parties

*Appellants:* Syndicat des thoniers méditerranéens, Marc Carreno, Jean Louis Donnarel, Jean-François Flores, Gérald Jean Lubrano, Hervé Marin, Nicolas Marin, Sébastien Marin, Serge Antoine José Perez (represented by: C. Bonnefoi, lawyer)