Judgment of the Court of First Instance of 15 October 2008 — Camar v Commission

(Joined Cases T-457/04 and T-223/05) [1]

(Common organisation of the markets — Bananas — Transitional measures — Article 30 of Council Regulation (EEC) No 404/93 — Judgment finding that the Commission had failed to act — Failure to give effect to a judgment of the Court — Action for annulment — Application for an order that effect be given to the judgment by way of financial equivalent — Compensation for non-material damage — Unlawful failure to act on the part of the Commission — Action for damages — Suspension of the limitation period — Article 46 of the Statute of the Court of Justice — Inadmissibility)

(2008/C 313/46)

Language of the case: Italian

Parties

Applicant: Camar Srl (Florence, Italy) (represented by: W. Viscardini, S. Donà and M. Paolin, lawyers)

Defendant: Commission of the European Communities (represented initially by: L. Visaggio, later by F. Clotuche-Duvieusart, agents, assisted by A. Dal Ferro, lawyer)

Re:

In Case T-457/04, application, first, for annulment of the Commission's decision not to give effect to paragraph 1 of the operative part of the judgment of the Court of 8 June 2000, *Camar and Tico* v *Commission and Council* (Joined Cases T-79/96, T-260/97 and T-117/98 [2000] ECR II-2193), contained in the letter of 10 September 2004, secondly, for an order that the Commission give effect to paragraph 1 of the operative part of the abovementioned judgment in *Camar and Tico* v *Commission and Council* by the financial equivalent of the value of the certificates that it has not issued and, thirdly, for an order that the Commission pay compensation for non-material loss, and in Case T-223/05, application for an order that the Commission pay compensation, on the basis of the non-contractual liability of the European Community, for the loss which the applicant has suffered.

Operative part of the judgment

The Court:

1. *annuls the decision of the Commission contained in the letter of 10 September 2004 from the Director General of the Directorate General 'Agriculture' refusing to give effect to paragraph 1 of the operative part of the judgment of the Court of 8 June 2000, Camar and Tico v Commission and Council (Joined Cases T-79/96, T-260/97 and T-117/98 [2000] ECR II-2193);*

2. *for the rest, dismisses the action in Case T-457/04 as unfounded;*

3. *dismisses the action in T-223/05 as inadmissible;*

4. *in Case T-457/04, orders Camar Srl and the Commission each to bear half of their own costs and to pay half of the costs of the other party;*

5. *in Case T-223/05, orders Camar Srl to bear its own costs and to pay the Commission's costs.*

[1] OJ C 31, 5.2.2005.

Judgment of the Court of First Instance of 15 October 2008 — Mote v Parliament

(Case T-345/05) [1]

(Privileges and immunities — Member of the European Parliament — Waiver of immunity)

(2008/C 313/47)

Language of the case: English

Parties

Applicant: Ashley Neil Mote (represented by: J. Lofthouse and C. Hayes, Barristers, and M. Monan, Solicitor)

Defendant: European Parliament (represented by: H. Krück, D. Moore and M. Windisch, acting as Agents)

Re:

Application for the annulment of the decision of the Parliament of 5 July 2005 waiving the applicant's parliamentary immunity.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Ashley Neil Mote to bear his own costs and to pay those of the European Parliament.*

[1] OJ C 296, 26.11.2005.