

COURT OF FIRST INSTANCE

Communication

(2005/C 271/37)

On 6 October 2005, Mr Hans Jung, Registrar of the Court of First Instance, left office and Mr Emmanuel Coulon, appointed Registrar of the Court of First Instance by decision of that Court of 5 July 2005 taken pursuant to the fourth paragraph of Article 224 of the EC Treaty, the fourth paragraph of Article 14 of the EAEC Treaty, and Articles 20 and 7(3) of the Rules of Procedure of the Court of First Instance, took the oath and assumed office for a period of six years up to 5 October 2011.

Action brought on 21 July 2005 — Republic of Cyprus v Commission

(Case T-300/05)

(2005/C 271/38)

*Language of the case: Greek***Parties***Applicant(s):* Republic of Cyprus (represented by: Petros Kliridis)*Defendant(s):* Commission of the European Communities**Form of order sought**

The applicant(s) claim(s) that the Court should:

- annul Regulation No 651/2005; ⁽¹⁾
- order the Commission to pay the costs.

Pleas in law and main arguments

The contested regulation amends Regulation No 60/2004 ⁽²⁾ laying down transitional measures in the sugar sector by reason of the accession of the new Member States. The applicant seeks its annulment, pleading first of all that the Commission lacked the power to adopt it. Specifically, the applicant submits that, under Article 41 of the 2003 Act of Accession, the Commission is empowered to adopt transitional measures if such measures are necessary to facilitate the transition from the regime which applied before the accession of the new Member States to the regime resulting from the application of the common agricultural policy. However, in the applicant's submission, the Commission did not establish that the measures which it adopted were necessary and therefore it lacked the power to adopt them. The applicant also pleads that Article 41 of the Act of Accession clearly implies that only the

adoption of measures beneficial to the new Member States is permitted. In the applicant's submission, however, the measures adopted by the new regulation do not benefit the new Member States but, on the contrary, are a burden to them.

In the same context, the applicant pleads that the reasons stated are inadequate, because it is not explained in a satisfactory manner what grounds led to the adoption of the contested regulation. The applicant further pleads breach of the principle of proportionality inasmuch as, in its view, the Commission has not demonstrated that the adoption of any measure at all was necessary while, in any event, the Commission could have adopted other measures to avoid the creation of sugar surpluses in the new Member States without having to adopt measures such as those contained in the contested regulation.

In addition, the applicant submits that the contested regulation infringes the principle prohibiting retroactive legislation, since it imposes obligations which relate to quantities which had already accumulated before its entry into force.

Finally, the applicant submits that the Commission has infringed the principle of equal treatment and the prohibition of discrimination because, it maintains, the contested regulation provides for different treatment between undertakings of the new Member States and those of the old Member States in relation to the consequences of a similar, if not identical, situation.

⁽¹⁾ Commission Regulation (EC) No 651/2005 of 28 April 2005 amending Regulation (EC) No 60/2004 laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ No L 108, 29.4.2005, p. 3).

⁽²⁾ OJ No L 9, 15.1.2004, p. 8.

Action brought on 2 August 2005 — Philippe Guigard v Commission of the European Communities

(Case T-301/05)

(2005/C 271/39)

*Language of the case: French***Parties***Applicant(s):* Philippe Guigard (Paris, France) (represented by: S. Rodrigues and A. Jaume, lawyers)*Defendant(s):* Commission of the European Communities