

## COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 12 December 2006 — Werners v Council and Commission**(Case T-373/94) <sup>(1)</sup>

*(Actions for damages — Non-contractual liability — Milk — Additional levy — Reference quantity — Producers who entered into a non-marketing undertaking — SLOM 1984 producers — Failure to resume production on expiry of the undertaking)*

(2006/C 331/60)

Language of the case: Dutch

**Parties**

*Applicant:* R.W. Werners (Meppel, Netherlands) (represented by: initially H. Bronkhorst and E. Pijnacker Hordijk, lawyers, and subsequently E. Pijnacker Hordijk)

*Defendant:* Council of the European Union (represented by: initially A. Brautigam and A.-M. Colaert, Agents, and subsequently A.-M. Colaert,) and Commission of the European Communities (represented by: initially T. van Rijn, Agent, assisted by H.J. Rabe, lawyer, and subsequently T. van Rijn)

**Re:**

Action for compensation pursuant to Article 178 of the EC Treaty (now Article 235 EC) and the second paragraph of Article 215 of the EC Treaty (now the second paragraph of Article 288 EC) for the damage allegedly suffered by the applicant by reason of the fact that he was prevented from marketing milk in accordance with Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector (OJ 1984 L 90, p. 13), as supplemented by Commission Regulation (EEC) No 1371/84 of 16 May 1984 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 (OJ 1984 L 132, p. 11).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr R.W. Werners to pay the costs.

<sup>(1)</sup> OJ C 370, 24.12.1994.

**Judgment of the Court of First Instance of 13 December 2006 — Julia Abad Pérez and Others v Council of the European Union**(Case T-304/01) <sup>(1)</sup>

*(Common agricultural policy — Animal health — Bovine spongiform encephalopathy — Legislation relating to protection of animal health and public health — Action for damages — Non-contractual liability — Causal link — Formal defects — Association of traders — Inadmissibility)*

(2006/C 331/61)

Language of the case: Spanish

**Parties**

*Applicants:* Julia Abad Pérez (El Barraco, Spain) and the 481 other applicants whose names are listed in the Annex to the present judgment, Confederación de Organizaciones de Agricultores y Ganaderos, established in Madrid, Spain) Unió de Pagesos (Barcelona, Spain) (represented by: M. Roca Junyent, J. Roca Sagarra, M. Pons de Vall Alomar and E. Sagarra Trias, lawyers)

*Defendants:* Council of the European Union (represented by: initially by J. Carbery and F. Florindo Gijón, and subsequently by F. Florindo Gijón and M. Balta, Agents) and Commission of the European Communities (represented by: G. Berscheid and S. Pardo Quintillán, Agents, assisted by J. Guerra Fernández, lawyer)

**Re:**

Action for damages pursuant to Article 235 EC and the second paragraph of Article 288 EC for reparation of the harm allegedly suffered by the applicants due to acts and omissions on the part of the Council and the Commission, following the appearance of the disease bovine spongiform encephalopathy in Spain

**Operative part of the judgment**

*The Court:*

1. Dismisses the action as inadmissible in so far as it concerns the Unió de Pagesos and la Confederación de Organizaciones de Agricultores y Ganaderos;
2. Dismisses the remainder of the action as unfounded;
3. Orders the applicants to bear their own costs and to pay those incurred by the Council and the Commission.

<sup>(1)</sup> OJ C 56, 2.3.2002.