

In the fourth ground of annulment, which concerns the POSEI measure — Smaller Aegean Islands — the applicant submits (a) that Article 3(3) of Regulation (EEC) No 2019/93 ⁽⁵⁾ and Article 3(2) of Regulation (EEC) No 2958/93 ⁽⁶⁾ were misinterpreted and misapplied in respect of the arrangements for the supply [of certain agricultural products] to the smaller Aegean islands or, in the alternative, that the factual circumstances were wrongly assessed, since the Greek authorities acted as prescribed by the regulations; (b) that, similarly, as regards potato fields and olive groves on the small islands of the Aegean, the factual circumstances were wrongly assessed, since the LPIS ⁽⁷⁾ and the Registers functioned normally and, in any event, in respect of any minor defects, a general correction to the regime of arable crops was imposed on the applicant and a second penalty should not be imposed for the same reason in respect of the individual regimes and lastly (c) the correction to the POSEI measure was contrary to the principle of proportionality.

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- (¹) Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes (OJ 1992 L 355, p. 1).
 (²) Council Regulation (EC) No 1593/2000 of 17 July 2000 amending Regulation (EEC) No 3508/92 establishing an integrated administration and control system for certain Community aid schemes (OJ 2000 L 182, p. 4).
 (³) Commission Regulation (EC) No 445/2002 of 26 February 2002 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2002 L 74, p. 1).
 (⁴) Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 (OJ 2001 L 327, p. 11).
 (⁵) Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products (OJ 1993 L 184, p. 1).
 (⁶) Commission Regulation (EEC) No 2958/93 of 27 October 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products (OJ 1993 L 267, p. 4).
 (⁷) Land Parcel Identification System.

Action brought on 18 June 2007 — Transports Schiocchet — Excursions v Commission of the European Communities

(Case T-220/07)

(2007/C 199/76)

Language of the case: French

Parties

Applicant: Transports Schiocchet — Excursions (Beuvillers, France) (represented by: D. Schönberger, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- declare the Commission to be liable non-contractually for the infringement of the applicant's fundamental rights under Council Regulation (EEC) No 517/72 of 20 March 1972;
- declare the Commission to be liable non-contractually for the infringement of the applicant's fundamental rights since the coming into force of Council Regulation (EEC) No 684/92 of 16 March 1992;
- order the Commission to pay to the applicant, in respect of the heads of claim referred to above, the sum of EUR 50 723 808,39, which failing any other amount, including a higher one, to be certified by an expert, together with default interest on that sum from the date of the judgment to be delivered until the date of actual payment, at the rate of 8 % per year;
- order the Commission to pay the costs;
- reserve to the applicant all other rights, pleas and actions.

Pleas in law and main arguments

By this application, the applicant is bringing an action for non-contractual liability seeking to obtain reparation for the damage allegedly suffered by it following the adoption by the Commission of Decision 89/524/EEC of 7 September 1989 on a dispute between Luxembourg and France on the establishment of a special regular passenger service between these two States ⁽¹⁾, which was the subject of an action for annulment brought by the applicant and dismissed by the Court by judgment of 16 April 1991, delivered in Case C-354/89 Schiocchet v Commission ⁽²⁾, and following the adoption of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus ⁽³⁾.

In its application, the applicant claims that by adopting the measures in question the Community institutions have infringed its fundamental rights by regularising an unlawful situation involving its competitors on the market for bus transport between Luxembourg and France, who were carrying on their activities without prior authorisation.

⁽¹⁾ OJ 1989 L 272, p. 18.

⁽²⁾ [1991] ECR I-1775.

⁽³⁾ OJ 1992 L 74, p. 1.