

**Action brought on 13 August 2008 — Ellinikos Niogomon v Commission**

(Case T-312/08)

(2008/C 272/60)

*Language of the case: English*

**Parties**

*Applicant:* Ellinikos Niogomon AE (Piraeus, Greece) (represented by: S. Pappas)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Declare the contested decision null and void;
- Condemn the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

By way of its application pursuant to Article 230 EC, the applicant seeks the annulment of the Commission's decision of 24 July 2008, by which it decided not to extend the applicant's limited recognition which it was granted under Directive 94/57/EC <sup>(1)</sup> by Commission Decision 2001/890/EC <sup>(2)</sup> and which was further extended by Commission Decision 2005/623/EC <sup>(3)</sup> of 3 August 2005.

The applicant, first, claims that the contested decision infringes an essential procedural requirement by not having followed the comitology procedure provided for in Articles 4 and 9 of Directive 94/57/EC.

Second, the applicant submits that the refusal to grant extension of the limited recognition is based on assessments carried out exclusively by the Commission and not jointly with the respective Member States according to Articles 4, 9 and 11 of Directive 94/57/EC.

Third, the applicant argues that the contested decision does not respect the applicant's rights of defence and is contrary to its legal expectations.

Fourth, the applicant contends that the contested decision infringes the Directive by misinterpreting it in so far as the applicable criteria are concerned (safety and prevention performance records), by omitting the gradual steps that the Commission should have undertaken before reaching a negative decision and by not having taken into account the inspections and reports produced by the Member States concerned, thus adopting unlawful reasoning.

Finally, the applicant claims that the contested decision infringes the principles of proportionality as well as the principle of good administration.

<sup>(1)</sup> Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations (OJ 1994 L 319, p. 20).

<sup>(2)</sup> Commission Decision of 13 December 2001 on the recognition of the 'Hellenic Register of Shipping' in accordance with Article 4(3) of Council Directive 94/57/EC (notified under document number C(2001) 4218) (OJ 2001 L 329, p. 72).

<sup>(3)</sup> Commission Decision of 3 August 2005 on the extension of the limited recognition of the Hellenic Register of Shipping (notified under document number C(2005) 2940) (OJ 2005 L 219, p. 43).

**Action brought on 12 August 2008 — Veromar di Tudisco Alfio & Salvatore v Commission**

(Case T-313/08)

(2008/C 272/61)

*Language of the case: Italian*

**Parties**

*Applicant:* Veromar di Tudisco Alfio & Salvatore Snc (Catania, Italy) (represented by: A. Maiorana, A. De Matteis and A. De Francesco, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul Commission Regulation (EC) No 530/2008 of 12 June 2008, published in Official Journal L 155 of 13 June 2008.
- Order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to those relied on in Case T-305/08 *Italian Republic v Commission*. In particular, infringement of Article 12 of the EC Treaty is alleged. In that regard, the applicant submits that the contested regulation discriminates in favour of the Kingdom of Spain, the quota for which was deemed to be exhausted on 23 June 2008 and not 16 June 2008.