

**Judgment of the Court of First Instance of 30 September 2009 — Portugal v Commission**

(Case T-183/06) <sup>(1)</sup>

*(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Flax textile — Effectiveness of checks)*

(2009/C 282/74)

Language of the case: Portuguese

**Parties**

*Applicant:* Portuguese Republic (represented by: L. Inez Fernandes, acting as Agent, assisted by C. Botelho Moniz and E. Maia Cadete, lawyers)

*Defendant:* Commission of the European Communities (represented by: M. Afonso, L. Parpala and F. Jimeno Fernández, acting as Agents)

**Re:**

Application for partial annulment of Commission Decision 2006/334/EC of 28 April 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 124, p. 21).

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision 2006/334/EC of 28 April 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) in so far as it excludes all of the expenditure incurred by the Portuguese Republic in the flax sector.
2. Orders the Commission of the European Communities to pay the costs.

<sup>(1)</sup> OJ C 212, 2.9.2006.

**Judgment of the Court of First Instance of 7 October 2009 — Vischim v Commission**

(Case T-380/06) <sup>(1)</sup>

*(Plant protection products — Active substance chlorothalonil — Amendment of the entry in Annex I to Directive 91/414/EEC — Directive 2006/76/EC — Retroactivity — No transitional period — Legal certainty — Legitimate expectations — Principle of equal treatment)*

(2009/C 282/75)

Language of the case: English

**Parties**

*Applicant:* Vischim Srl (Cesano Maderno, Italy) (represented by: C. Mereu and K. Van Maldegem, lawyers)

*Defendant:* Commission of the European Communities (represented by: L. Parpala and B. Doherty, acting as Agents)

**Re:**

Application for the annulment of the second paragraph of Article 2 of Commission Directive 2006/76/EC of 22 September 2006 amending Council Directive 91/414/EEC as regards the specification of the active substance chlorothalonil (OJ 2006 L 263, p. 9).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Vischim Srl to pay the costs.

<sup>(1)</sup> OJ C 20, 27.1.2007.

**Judgment of the Court of First Instance of 5 October 2009 — de Brito Sequeira Carvalho v Commission and Commission v de Brito Sequeira Carvalho**

(Joined Cases T-40/07 P and T-62/07 P) <sup>(1)</sup>

*(Appeals — Staff cases — Officials — Leave — Medical leave — Placing on compulsory medical leave — Extension of compulsory medical leave — Prior new medical examination — Jurisdiction of the Civil Service Tribunal — Amendment of the subject-matter of the dispute)*

(2009/C 282/76)

Language of the case: French

**Parties**

*Appellants:* José António de Brito Sequeira Carvalho (Brussels, Belgium) (represented by: O. Martins, lawyer) (T-40/07 P); and Commission of the European Communities (represented by: D. Martin, acting as Agent, assisted by C. Falmagne, lawyer) (T-62/07 P)