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(Information)

COURT OF JUSTICE

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Action brought on 30 March 1990 by Robert Haas and Luise Haas against the Council and the Commission of the European Communities

(Case C-94/90)

(90/C 178/01)

An action against the Council and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 30 March 1990 by Robert Haas and Luise Haas, farmers, represented by Bernd Meisterernst, Mechtild Düsing and Dietrich Manstetten, Rechtsanwälte, 2 Geiststrasse, D-4400 Münster, with an address for service in Luxembourg at the Chambers of Messrs Lambert, Dupong and Konsbrück, 14a rue des Bains.

The applicants claim that the Court should:

Order the defendants jointly and severally to pay the applicants the sum of DM 67 189 as compensation under the second paragraph of Article 215 of the EEC Treaty, together with interest at the rate of 7 % from the date of the application.

The contentions and main arguments adduced in support are the same as those in Case C-37/90 ⁽¹⁾. Compensation is claimed in the amount of DM 0,35/kg for deliveries of milk which could not be made during the period from April 1984 to July 1989 inclusive, no account to be taken of the 60 % limitation laid down in Regulation (EEC) No 764/89 ⁽²⁾.

⁽¹⁾ OJ No C 71, 21. 3. 1990, p. 9.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 2.

Krieger, farmer, 2251 Wittbek, represented by Detlef Krieger, 19 Markt, D-2250 Husum, with an address for service in Luxembourg at the Chambers of Marc Baden, 24 rue Marie Adelaide.

The applicant claims that the Court should:

Order the defendant to pay the applicant DM 84 631,99 together with interest at the rate of 4 % from the date of application.

Contentions and main arguments adduced in support:

The applicant claimed the non-marketing premium pursuant to Regulation (EEC) No 1078/77 ⁽¹⁾. Because of the scheme laid down in Regulations (EEC) No 857/84 ⁽²⁾ and (EEC) No 1371/84 ⁽³⁾, on the expiry of the non-marketing period he was precluded from marketing milk because no quota had been allocated to him. In its judgment of 28 April 1988 in Case 170/86 ⁽⁴⁾ the Court declared that scheme invalid. Under Regulation (EEC) No 764/89 ⁽⁵⁾, which was thereupon adopted, the applicant received a provisional quota on 3 August 1989.

In the present action loss of profit (of 0,20 DM/kg) is claimed in respect of deliveries of milk which could not be made but would have been made had the rule in Regulation (EEC) No 764/89 already applied on the expiry of the applicant's non-marketing period.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽³⁾ OJ No L 132, 18. 5. 1984, p. 11.

⁽⁴⁾ OJ No C 142, 31. 5. 1988, p. 4.

⁽⁵⁾ OJ No L 84, 29. 3. 1989, p. 2.

Action brought on 11 April 1990 by Hartmut Krieger against the European Communities, represented by the Council of the European Communities

(Case C-98/90)

(90/C 178/02)

An action against the European Communities, represented by the Council of the European Communities, was brought before the Court of Justice of the European Communities on 11 April 1990 by Hartmut

Action brought on 11 April 1990 by Paul Plietker against the European Communities, represented by the Council of the European Communities

(Case C-99/90)

(90/C 178/03)

An action against the European Communities, represented by the Council of the European

Communities, was brought before the Court of Justice of the European Communities on 11 April 1990 by Paul Plietker, farmer, 4421 Gronau-Epe, represented by Felicita Söbbeke, Rechtsanwältin, 4 Am Buddenbrook, D-4432 Gronau-Epe, with an address for service in Luxembourg at the Chambers of Guy Harles, 4 avenue Marie-Thérèse, 2132 Luxembourg.

The applicant claims that the Court should:

Order the defendant to pay the applicant compensation of DM 157 630 together with interest at the rate of 4 % from the date of application.

The contentions and main arguments adduced in support are the same as those in Case C-98/90 (¹).

Loss of profit to 1 May 1989 is claimed in accordance with the calculation of an agricultural expert based on the actual circumstances of the applicant's undertaking on the expiry of the non-marketing period, assuming the quota to which the applicant would have been entitled had milk production continued during the non-marketing period.

(¹) See Case C-98/90 in this Official Journal.

Action brought on 13 April 1990 by Hans Hinrichsen against the European Communities, represented by the Council of the European Communities

(Case C-101/90)

(90/C 178/04)

An action against the European Communities, represented by the Council of the European Communities, was brought before the Court of Justice of the European Communities on 13 April 1990 by Hans Hinrichsen, farmer, 2251 Bohmstedt, represented by Rudolf Sommer, Felicita Sommer and Uwe Burmeister, Rechtsanwälte, 15 Markt, D-2250 Husum, with an address for service in Luxembourg at the Chambers of Marc Baden, 24 rue Marie Adelaïde.

The applicant claims that the Court should:

Order the Community to pay DM 83 468.

The contentions and main arguments adduced in support are the same as those in Case C-98/90 (¹).

Loss of profit at the rate of 0,20 DM/kg is claimed in respect of deliveries of milk which could not be made during the period to 14 March 1990.

(¹) See Case C-98/90 in this Official Journal.

Action brought on 18 April 1990 by Peter-Emil Stahmer against the European Communities, represented by the Council of the European Communities

(Case C-103/90)

(90/C 178/05)

An action against the European Communities, represented by the Council of the European Communities, was brought before the Court of Justice of the European Communities on 18 April 1990 by Peter-Emil Stahmer, farmer, 2228 Friedrichskoog, represented by Ingomar Ermer, 9 Am Markt, D-2222 Marne, with an address for service in Luxembourg at the Chambers of Marc Baden, 24 rue Marie Adelaïde.

The applicant claims that the Court should:

Order the Community to pay DM 89 465,04.

The contentions and main arguments adduced in support are the same as those in Case C-98/90 (¹).

Loss of profit at the rate of 0,30 DM/kg is claimed in respect of deliveries of milk which could not be made during the period from 25 October 1988 to 20 July 1989.

(¹) See Case C-98/90 in this Official Journal.

Action brought on 17 April 1990 by Hans Hein against the European Communities, represented by the Council of the European Communities

(Case C-102/90)

(90/C 178/06)

An action against the European Communities, represented by the Council of the European Communities, was brought before the Court of Justice of the European Communities on 17 April 1990 by Hans Hein, farmer, 2211 Vaale, represented by Harald Egge and Ralf Heidekrüger, Rechtsanwälte, 13 Holzkamp, D-2210 Itzehoe/Holstein, with an address for service in Luxembourg at the Chambers of Marc Baden, 24 rue Marie Adelaïde.

The applicant claims that the Court should:

Order the Community to pay the applicant DM 141 540 together with interest at the rate of 4 % from the date of the application.

The contentions and main arguments adduced in support are the same as those in Case C-98/90 (¹).

Loss of profit at the rate of 0,30 DM/kg is claimed in respect of deliveries of milk which could not be made in the marketing years 1984/85 to 1988/89.

(¹) See Case C-98/90 in this Official Journal.