

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Fourth Chamber) of 17 July 2008 — Commission of the European Communities v Cantina sociale di Dolianova Soc. coop. arl, Cantina Trexenta Soc. coop. arl, Cantina sociale Marmilla — Unione viticoltori associati Soc. coop. arl, Cantina sociale S. Maria La Palma Soc. coop. arl, Cantina sociale del Vermentino Soc. coop. arl Monti-Sassari**

(Case C-51/05 P) <sup>(1)</sup>

**(Appeals — Common organisation of the market in wine — Aid for distillation — Actions for damages — Non-contractual liability of the Community — Limitation period — Point from which time starts to run)**

(2008/C 223/02)

Language of the case: Italian

**Parties**

**Appellant:** Commission of the European Communities (represented by: C. Cattabriga and L. Visaggio, Agents)

**Other parties to the proceedings:** Cantina sociale di Dolianova Soc. coop. rl, Cantina Trexenta Soc. coop. rl, Cantina sociale Marmilla — Unione viticoltori associati Soc. coop. rl, Cantina sociale S. Maria La Palma Soc. coop. rl, Cantina sociale del Vermentino Soc. coop. rl Monti-Sassari (represented by: C. Dore and G. Dore, avvocati)

**Re:**

Appeal against the judgment of the Court of First Instance (Second Chamber) of 23 November 2004 in Case T-166/98 *Cantina sociale di Dolianova Soc. Coop. and Others v Commission* ordering the Commission to compensate the applicants for damage incurred as a result of Decision No VI B-I-3 M 4/97PVP of 31 July 1998 rejecting the applicants' requests for the payment of distillation aid for 1982/1983

**Operative part of the judgment**

*The Court:*

1. Annuls the judgment of the Court of First Instance of the European Communities of 23 November 2004 in Case T 166/98 *Cantina sociale di Dolianova and Others v Commission* to the extent to which it declared admissible the action to establish non-contractual liability brought by *Cantina sociale di Dolianova Soc. coop. arl, Cantina Trexenta Soc. coop. arl, Cantina sociale Marmilla — Unione viticoltori associati Soc. coop. arl, Cantina sociale S. Maria La Palma Soc. coop. arl and Cantina sociale del Vermentino Soc. coop. arl Monti-Sassari* and ordered the Commission of the European Communities to make good the damage suffered by them as a result of the insolvency of *Distilleria Agricola Industriale di Terralba* by reason of the absence of a procedure capable of guaranteeing, under the system introduced by Article 9 of Commission Regulation (EEC) No 2499/82 of 15 September 1982 laying down provisions concerning preventive distillation for the 1982/1983 wine year, payment to the producers concerned of the Community aid provided for by that regulation.
2. Dismisses the action in Case T-166/98.
3. Orders *Cantina sociale di Dolianova Soc. coop. arl, Cantina Trexenta Soc. coop. arl, Cantina sociale Marmilla — Unione viticoltori associati Soc. coop. arl, Cantina sociale S. Maria La Palma Soc. coop. arl and Cantina sociale del Vermentino Soc. coop. arl Monti-Sassari* to pay the costs of the present proceedings and of those brought before the Court of First Instance of the European Communities.

<sup>(1)</sup> OJ C 82, 2.4.2005.