

**Judgment of the General Court of 28 September 2011 —
Greece v Commission**

(Case T-352/05) ⁽¹⁾

(EAGGF — Guarantee section — Expenditure excluded from Community financing — Specific measures for certain agricultural products in favour of the minor islands of the Aegean Sea — Fruit and vegetables — Raw tobacco — Goat and sheepmeat — Non-compliance with the payment deadlines — Proportionality — Increase in the flat-rate correction for recurrent weaknesses)

(2011/C 331/27)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented initially by: G. Kanellopoulos and S. Charitaki, later by: I Chalkias and S. Papaioannou, Agents)

Defendant: European Commission (represented by: H. Tserepa-Lacombe and L. Visaggio, Agents, assisted by N. Korogiannakis, lawyer)

Re:

Annulment of Commission Decision 2005/579/EC of 20 July 2005 disallowing from Community financing certain expenditure incurred by the Member States under the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section (OJ 2005 L 199, p. 84) in so far as it excludes certain expenditure carried out by the Hellenic Republic in the context of Specific measures for certain agricultural products in favour of the minor islands of the Aegean Sea and in the fruit and vegetables, raw tobacco and goat and sheepmeat sectors.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 296, 26.11.2005.

**Judgment of the General Court of 29 September 2011 —
Poland v Commission**

(Case T-4/06) ⁽¹⁾

(Agriculture — Act of Accession 2003 — Regulation (EC) No 1260/2001 — Regulation (EC) No 1686/2005 — Regulation (EC) No 1193/2009 — 2004/2005 marketing year — Additional levy — Setting of two coefficients — Competence — Legal basis — Empowering measure — Obligation to give reasons — Compliance with essential procedural requirements)

(2011/C 331/28)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented: initially by J. Pietras, later by E. Osściecka-Tamecka, later by: T. Nowakowski, later by

M. Dowgiewiecz, B. Majczyna and P. Rosniak and finally, by: B. Majczyna, M. Szpunnar and D. Krawczyk, Agents)

Defendant: European Commission (represented: initially by A. Szmytkowska, C. Cattabriga and F. Erlbacher, later, by: A. Szmytkowska and P. Rossi, Agents)

Re:

Annulment of Article 2 of Commission Regulation (EC) No 1686/2005 of 14 October 2005 setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/05 marketing year (OJ 2005 L 271, p. 12), as amended by Article 3 of Commission Regulation (EC) No 1193/2009 of 3 November 2009 correcting Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005, (EC) No 164/2007 and fixing the production levies in the sugar sector for marketing years 2002/2003, 2003/2004, 2004/2005, 2005/2006 (OJ 2009 L 321, p. 1).

Operative part of the judgment

The Court:

1. Annuls Article 2 of Commission Regulation (EC) No 1686/2005 of 14 October 2005 setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/05 marketing year (OJ 2005 L 271, p. 12), as amended by Article 3 of Commission Regulation (EC) No 1193/2009 of 3 November 2009 correcting Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005, (EC) No 164/2007 and fixing the production levies in the sugar sector for marketing years 2002/2003, 2003/2004, 2004/2005, 2005/2006 (OJ 2009 L 321, p. 1);
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 74, 25.3.2006.

**Judgment of the General Court of 29 September 2011 —
Ryanair v Commission**

(Case T-442/07) ⁽¹⁾

(State aid — Aviation sector — Aid granted by the Italian authorities to Alitalia, Air One and Meridiana — Action for failure to act — Failure by the Commission to define its position — Obligation to act)

(2011/C 331/29)

Language of the case: English

Parties

Applicant: Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida and I.-G. Metaxas-Maragkidis, lawyers)