

Appeal brought on 18 December 2009 by the Republic of Estonia against the judgment delivered on 2 October 2009 in Case T-324/05 Republic of Estonia v European Commission

(Case C-535/09 P)

(2010/C 63/46)

Language of the case: Estonian

Parties

Appellant: Republic of Estonia (represented by: L. Uiibo, acting as Agent)

Other parties to the proceedings: European Commission, Republic of Latvia

Form of order sought

— set the contested judgment aside in its entirety;

— uphold the claims put forward at first instance.

Pleas in law and main arguments

The Republic of Estonia considers that the judgment of the Court of First Instance of the European Communities ('the Court') should be set aside on the following grounds:

1. The Court distorted the evidence and misapplied the principle of collegiality laid down in Article 219 of the Treaty.

2. The Court misinterpreted the Act of Accession and Regulation No 60/2004. ⁽¹⁾

(a) The Court misinterpreted Article 6 of Regulation No 60/2004 by finding that the concept of 'stocks' in that provision extends also to household reserves.

— The Court determined the objective of Regulation No 60/2004 and point 2 of part 4 of Annex IV to the Act of Accession too strictly by defining it as preventing 'any' disturbance.

— The Court misinterpreted Article 7(1) and Article 6 of Regulation No 60/2004 by imposing an obligation on the Member States to eliminate excess stocks of sugar, for which there is no legal basis.

(b) The Court misinterpreted Article 6(1)(c) of Regulation No 60/2004 by impermissibly narrowing its scope and

excluding from it the circumstances in which sugar stocks were built up in Estonia.

— The Court erred in assessing the evidence and distorted the evidence when analysing Estonia's submission that the creation of household reserves played an essential part in the consumption and culture of Estonians.

— The Court did not assess correctly the legitimate expectations of Estonia which had arisen in connection with the assurances given by the Commission during the accession negotiations.

— The Court did not assess correctly the contribution of the EU to the building up of stocks.

3. The Court wrongly took the view that the Commission did not infringe the obligation to state reasons.

4. The Court wrongly took the view that the Commission did not infringe the principle of good faith.

⁽¹⁾ Commission Regulation (EC) No 60/2004 of 14 January 2004 laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ 2004 L 9, p. 8).

Reference for a preliminary ruling from the Upravno sodišče Republike Slovenije (Republic of Slovenia) lodged on 21 December 2009 — Marija Omejc v Republika Slovenije

(Case C-536/09)

(2010/C 63/47)

Language of the case: Slovene

Referring court

Upravno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: Marija Omejc

Defendant: Republika Slovenije