

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Appeal brought on 8 August 2013 by the Italian Republic against the judgment of the General Court (Second Chamber) of 30 May 2013 in Case T-454/10 Italian Republic v Associazione Nazionale degli Industriali delle Conserve Alimentari Vegetali (Anicav)

(Case C-460/13 P)

(2013/C 352/02)

Language of the Procedure: English

Parties

Appellant: Italian Republic (represented by: G. Palmieri, Agent, S. Varone, Avvocato dello Stato)

Other parties to the proceedings: Associazione Nazionale degli Industriali delle Conserve Alimentari Vegetali (Anicav),

Agrupación Española de Fabricantes de Conservas Vegetales (Agrucon),

European Commission,

Associazione Italiana Industrie Prodotti Alimentari (AIIPA),

Confederazione Cooperative Italiane

Form of order sought

The appellant claims that the Court should:

— set aside the judgment under appeal;

— order the parties opposing the appeal to pay the costs.

Pleas in law and main arguments

These proceedings concern an appeal against the judgment in Case T-454/10 in which the General Court annulled:

(a) the second subparagraph of Article 52(2)a of Commission Regulation (EC) No 1580/2007⁽¹⁾ and Article 50(3) of

Commission Implementing Regulation (EU) No 543/2011⁽²⁾ ‘in so far as they provide that the value of “[non-]genuine processing activities” is included in the value of marketed production of fruit and vegetables intended for processing’.

(b) Article 60(7) of Implementing Regulation No 543/2011, which provides for investments and activities related to the transformation of products, in its entirety.

According to the Italian Republic, the provisions referred to in point (a) above do not conflict with Regulation (EC) No 1234/2007, since they introduce support for activities for which no provision is made in the regulation and simply lay down in the interests, inter alia, of greater simplification, the method of calculating a value serving as a parameter for Community aid.

The interpretation adopted by the General Court would result in an unjustified difference of treatment within organisations of producers of fruit and vegetables as the marketing of the same product would be subsidised differently depending on whether or not the producer organisation carries out the actual processing.

As regards point (b) — annulment of Article 60(7) of Implementing Regulation No 543/2011 — the General Court’s decision is flawed to the extent that it finds that private processors are discriminated against as compared to processors, the majority of whom are set up as cooperatives, who are members of producer organisations.

⁽¹⁾ Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector (OJ 2007 L 350 p. 1)

⁽²⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ 2011 L 157, p. 1)