



Reports of Cases

Order of the General Court (Ninth Chamber) of 4 May 2018 – Abel and Others v Commission

(Case T-197/17)

(Non-contractual liability — Environment — Adoption by the Commission of a regulation concerning polluting emissions from light passenger and commercial vehicles — Claim for compensation for the material and non-material harm allegedly suffered by the applicants — Harm not real and certain — Situation capable of materially affecting any person — Harm not capable of being compensated — Application for an injunction)

1. *Non-contractual liability — Conditions — Unlawfulness — Injury — Causal link — Cumulative conditions — Obligation on the court to examine in a given order — None*

(Art. 340, second para., TFEU)

(see paras 24, 25)

2. *Non-contractual liability — Conditions — Unlawfulness — Injury — Causal link — One of the conditions not satisfied — Claim for compensation dismissed in its entirety*

(Art. 340, second para., TFEU)

(see paras 26, 33, 36, 41)

3. *Non-contractual liability — Conditions — Actual and certain damage — Burden of proof*

(Art. 340, second para., TFEU)

(see para. 27)

4. *Non-contractual liability — Injury — Damage for which compensation is available*

(Art. 340, second para., TFEU)

(see paras 34, 35)

5. *Actions for damages — Jurisdiction of the EU judicature — EU to be ordered to pay compensation for damage in accordance with general principles common to the laws of the Member States on non-contractual liability — Reparation in kind in the form of an injunction or prohibition*

(Arts 268 TFEU and 340, second para., TFEU)

(see paras 38, 39)

Re:

Application pursuant to Article 263 TFEU seeking compensation for the harm suffered by the applicants following the adoption of Commission Regulation (EU) 2016/646 of 20 April 2016, amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ 2016 L 109, p. 1).

Operative part

1. The action is dismissed.
2. Mr Marc Abel and the other applicants whose names appear in the annex to the judgment are ordered to pay the costs.