

Action brought on 29 March 2007 — Kingdom of Spain v Council of the European Union

(Case C-167/07)

(2007/C 117/31)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: N. Díaz Abad, agent)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EC) No 41/2007 ⁽¹⁾ of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required, to the extent that specific quotas are not allocated to the Spanish fleet in the Community waters of the North Sea and
- Order the Council of the European Union to pay the costs.

Pleas in law and main arguments

(1) *Infringement of the principle of non-discrimination:*

The Kingdom of Spain believes that, to the extent that the contested regulation does not allocate to Spain quotas in the Community waters of the North Sea, there is an infringement of the principle of non-discrimination, given that, on the expiry of the transitional period stipulated in the Act of Accession, all other Member States are recognised to have the right of access to those waters and their resources, whereas the Kingdom of Spain is recognised to have the right of access only to those waters.

(2) *Misinterpretation of the Act of Accession of Spain:*

The Act of Accession in laying down rules concerning the transitional period for Spain in relation to fisheries does not distinguish between access to waters and access to resources. Moreover, the provisions of the Act of Accession should be interpreted to accord with its context and purposes.

(3) *Infringement of Article 20(2) of Regulation 2371/2002 ⁽²⁾:*

The provision is infringed in that no quotas are allocated to Spain in respect of new fishing opportunities established and distributed for the first time after the expiry of the transitional period specified in the Act of Accession.

⁽¹⁾ OJ 2007 L 15, p. 1.

⁽²⁾ Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ 2002 L 358, p. 59).

Reference for a preliminary ruling from the Tribunal de Grande instance de Nanterre (France) lodged on 2 April 2007 — 1. S.A. SAFBA v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 2. S.A. Sucrieries et Raffineries d'Erstein v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 3. SA Sucrieries & Distilleries de Souppes — Ouvré Fils v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 4. SA Sucrierie de Bourgogne v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 5. Sucrierie Bourdon v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 6. S.A. des Sucrieries du Marquenterre v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 7. Cristal Union v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 8. S.A. Lesaffre Frères v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 9. Société Vermendoise Industries v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers, 10. S.A. Sucrieries de Toury et Usines annexes v Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers

(Case C-175/07)

(Case C-176/07)

(Case C-177/07)

(Case C-178/07)

(Case C-179/07)

(Case C-180/07)

(Case C-181/07)

(Case C-182/07)

(Case C-183/07)

(Case C-184/07)

(2007/C 117/32)

Language of the case: French

Referring court

Tribunal de Grande instance de Nanterre

Parties to the main proceedings

Applicants: S.A. SAFBA (C-175/07), S.A. Sucrieries et Raffineries d'Erstein (C-176/07), SA Sucrieries & Distilleries de Souppes — Ouvré Fils (C-177/07), SA Sucrierie de Bourgogne (C-178/07), Sucrierie Bourdon (C-179/07), S.A. des Sucrieries du Marquenterre (C-180/07), Cristal Union (C-181/07), S.A. Lesaffre Frères (C-182/07), Société Vermendoise Industries (C-183/07), S.A. Sucrieries de Toury et Usines annexes (C-184/07)

Defendants: Directeur général des douanes et droits indirects and Receveur principal des douanes et droits indirects de Gennevilliers