



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 7 November 2012 — Syndicat des thoniers méditerranéens and Others v Commission

(Case T-574/08)

(Non-contractual liability — Fishing — Conservation of fishery resources — Reconstitution of the stocks of bluefin tuna — Emergency measures prohibiting fishing by purse seiners — Unusual loss)

1. *Actions for damages — Interest in bringing proceedings — Trade association — Own interest or transfer of the right to compensation (Art. 288 EC) (see paras 17, 22-28)*
2. *Proceedings — Application initiating proceedings — Formal requirements — Identification of the subject matter of the dispute — Brief summary of the pleas in law on which the application is based — Application for compensation for damage allegedly caused by an EU institution — Factors enabling identification of the conduct of which the institution is accused, the causal link and the reality and certainty of the damage caused (Statute of the Court of Justice, Art. 21, first para.; Rules of Procedure of the General Court, Art. 44(1)(c)) (see paras 33-35)*
3. *Proceedings — Introduction of new pleas during the proceedings — Conditions — New factor — Concept (Rules of Procedure of the General Court, Art. 48(2)) (see paras 50, 52-53)*
4. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Cumulative conditions — No obligation on the court to examine in a given order (Art. 288, second para., EC) (see paras 55-57, 65, 69, 70, 87)*
5. *Non-contractual liability — Conditions — Actual and certain damage — Burden of proof (Art. 288, second para., EC) (see para. 59)*
6. *Fisheries — Conservation of the resources of the sea — System of fishing quotas — Concept — Theoretical limit of maximum catch — No guarantee that fishermen may fish the whole of the quota (see paras 62, 80)*
7. *Non-contractual liability — Responsibility for a lawful act — Conduct within the lawmaking competence of the EU — Exclusion — Limits (Art. 288, second para., EC) (see paras 72, 73, 75, 78)*

8. *EU law — Principles — Fundamental rights — Right to property — Freedom to pursue a trade or profession — Scope (see para. 74)*

Re:

ACTION for damages seeking compensation for the loss allegedly suffered by the applicants following adoption of Commission Regulation (EC) No 530/2008 of 12 June 2008 establishing emergency measures as regards purse seiners fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45°W, and in the Mediterranean Sea (OJ 2008 L 155, p. 9).

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicants to pay the costs.