



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 7 November 2012 — **Giordano v Commission**

(Case T-114/11)

(Non-contractual liability — Fisheries — Conservation of fisheries resources — Recovery of bluefin tuna stocks — Emergency measures prohibiting fishing by purse seiners — Unlawful conduct — Causal link)

1. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Cumulative conditions — No obligation on the court to examine in a given order (Art. 340, second para., TFEU) (see paras 12, 13)*
2. *Non-contractual liability — Conditions — Actual and certain damage — Burden of proof (Art. 340, second para., TFEU) (see para. 15)*
3. *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 (Council Regulation No 2371/2002; Commission Regulation No 530/2008) (see para. 18)*

Re:

ACTION for damages seeking compensation for the losses allegedly suffered following the 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 Jean-François Giordano to pay the costs.