

Judgment of the General Court of 13 December 2018 — Fruits de Ponent v Commission(Case T-290/16) ⁽¹⁾

(Non-contractual liability — Agriculture — Peach and nectarine markets — Disruption during the 2014 season — Russian embargo — Temporary exceptional support measures for producers — Delegated Regulations (EU) Nos 913/2014 and 923/2014 — Rules of law intended to confer rights upon individuals — Duty of diligence and the principle of sound administration — Sufficiently serious breach — Causal link)

(2019/C 82/47)

Language of the case: Spanish

Parties

Applicant: Fruits de Ponent, SCCL (Alcarràs, Spain) (represented by M. Roca Junyent, J. Mier Albert, R. Vallina Hoset and A. Sellés Marco, lawyers)

Defendant: European Commission (represented initially by I. Galindo Martín and K. Skelly, and subsequently by I. Galindo Martín, acting as Agents)

Re:

Action pursuant to Article 268 TFEU seeking compensation for the damage allegedly sustained by three of the applicant's members on account of acts and omissions of the Commission, in the context of the adoption of Commission Delegated Regulation (EU) No 913/2014 of 21 August 2014 laying down temporary exceptional support measures for producers of peaches and nectarines (OJ 2014 L 248, p. 1) and Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014 (OJ 2014 L 259, p. 2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fruits de Ponent, SCCL to pay the costs.

⁽¹⁾ OJ C 270, 25.7.2016.

Judgment of the General Court of 13 December 2018 — Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v Commission(Joined Cases T-339/16, T-352/16 and T-391/16) ⁽¹⁾

(Environment — Regulation (EU) 2016/646 — Pollutant emissions from light passenger and commercial vehicles (Euro 6) — Fixing, in respect of nitrogen oxide emissions, of not-to-exceed (NTE) values, during tests in real driving conditions (RDE) — Actions for annulment — Powers of a municipal authority concerning environmental protection to restrict the circulation of certain vehicles — Whether directly concerned — Admissibility — Lack of competence of the Commission — Compliance with higher legal norms — Temporal adjustment of the effects of an annulment — Non-contractual liability — Compensation for alleged harm to image and reputation)

(2019/C 82/48)

Languages of the cases: Spanish and French

Parties

Applicant in Case T-339/16: Ville de Paris (France) (represented by: J. Assous, lawyer)

Applicant in Case T-352/16: Ville de Bruxelles (Belgium) (represented by: M. Uyttendaele and S. Kaisergruber, lawyers)

Applicant in Case T-391/16: Ayuntamiento de Madrid (Spain) (represented by: F. Zunzunegui Pastor, lawyer)

Defendant: European Commission (represented by: A.C. Becker, E. Sanfrutos Cano and J.-F. Brakeland, acting as Agents)

Re:

First, applications based on Article 263 TFEU seeking annulment 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) and, secondly, application based on Article 268 TFEU seeking compensation for damage that the City of Paris allegedly suffered as a result of the adoption of that regulation.

Operative part of the judgment

The Court:

1. Annuls point 2 of Annex II to 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) in so far as it fixes, in points 2.1.1 and 2.1.2 of Annex III A to Commission Regulation No 692/2008 of 18 July 2008 implementing Regulation (EC) No 715/2007, the final conformity factor $CF_{\text{pollutant}}$ and the temporary conformity factor $CF_{\text{pollutant}}$ for the mass of oxides of nitrogen;
2. Dismisses the actions as to the remainder;
3. Maintains the effects of the annulled provision under paragraph 1 of the present operative part until the adoption within a reasonable period of a new regulation replacing those provisions, that period not to exceed 12 months from the date on which the present judgment takes effect;
4. Orders the European Commission to bear its own costs and to pay half of the costs incurred by the Ville de Paris, the Ville de Bruxelles and the Ayuntamiento de Madrid.

⁽¹⁾ OJ C 314, 29.8.2016.

Judgment of the General Court of 13 December 2018 — Schubert and Others v Commission

(Case T-530/16) ⁽¹⁾

(Civil service — Remuneration — Annual adjustment of the remuneration and pensions of officials and other members of staff — Regulations (EU) No 422/2014 and No 423/2014 — Adjustments of remuneration and pensions for 2011 and 2012 — Duty to state reasons — Proportionality — Legitimate expectations — Rules on dialogue between management and workers)

(2019/C 82/49)

Language of the case: French

Parties

Applicants: Ludwig Schubert (Overijse, Belgium) and the six other applicants whose names are annexed to the judgment (represented by: C. Bernard-Glanz, N. Flandin and S. Rodrigues, lawyers)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, and subsequently G. Gattinara and L. Radu Bouyon, acting as Agents)

Interveners in support of the defendant: European Parliament (represented by: E. Taneva and M. Ecker, acting as Agents); and Council of the European Union (represented initially by: M. Bauer and M. Veiga, and subsequently M. Bauer and R. Meyer, acting as Agents),