

The applicant claims that the Court should:

Declare that the defendant is obliged to pay the applicant full compensation for the damage he has suffered as a result of the failure, due to Council Regulation No 857/84 of 31 March 1984 (Official Journal No L 90, p. 13) as amended by Commission Regulation No 1371/84 of 16 May 1984 (Official Journal No L 132, p. 11), to allocate to him a milk reference quantity for the period from 1 July 1985 to 30 September 1989.

Contentions and main arguments adduced in support

The competent institutions of the Communities are liable to the applicant under the second paragraph of Article 215 of the EEC Treaty for the damage (loss of profit) which he suffered on account of the introduction by the institutions of provisions governing the additional levy on milk which — as the Court of Justice ruled in its judgments of 28 April 1988 ⁽¹⁾ — infringe the principle of the protection of legitimate expectations.

⁽¹⁾ Case 120/86 [1988] ECR 2321 and Case 170/86 [1988] ECR 2355.

Action brought on 6 September 1990 by Friedrich Bock against the Council and the Commission of the European Communities

(Case C-267/90)

(91/C 34/13)

An action against the Council and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 6 September 1990 by Friedrich Bock, a farmer, residing at 1 Alte Dorfstraße, D-3257 Springe 9, represented by Bernd Meisterernst, Mechtild Düsing and Dietrich Manstetten, Rechtsanwälte, 2 Geiststraße, D-4400 Münster, with an address for service in Luxembourg at the Chambers of Messrs Lambert, Dupong and Konsbrück, 14^a Rue des Bains, L-1212.

The applicant claims that the Court should:

Order the defendants jointly and severally to pay the applicant the sum of DM 329 436 as compensation under the second paragraph of Article 215 of the EEC Treaty, together with interest at 7 % from the date of the application.

Contentions and main arguments adduced in support

The contentions and main arguments are the same as those adduced in Case C-94/90 ⁽¹⁾.

Compensation, with interest, is claimed in the amount of DM 0,23/kg for deliveries of milk which could not be made during the period from September 1984 to June 1989, no account being taken of the 60 % limitation laid down in Regulation (EEC) No 764/89 ⁽²⁾.

⁽¹⁾ OJ No C 178, 18. 7. 1990, p. 1.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 2.

Action brought on 7 September 1990 by Georg Werner against the Commission of the European Communities

(Case C-270/90)

(91/C 34/14)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 7 September 1990 by Georg Werner, a farmer, residing at 5 Friedberger Straße, D-6351 Niddatal 3, represented by Volker Zuleger, Rechtsanwalt, of 27 Mühlgasse, D-6361 Niddatal 3, with an address for service in Luxembourg at the Chambers of Roger Nothar, 17 Boulevard Royal, L-2449.

The applicant claims that the Court should:

1. Order the defendant to pay the applicant compensation in the sum of DM 80 548,30, with interest running from the date of the application;
2. Order the defendant to bear the costs;
3. Declare the judgment — subject to provision of a security, if necessary — to be provisionally enforceable.

Contentions and main arguments adduced in support

The defendant is, by virtue of the second paragraph of Article 215 of the EEC Treaty, liable in damages to the plaintiff, who obtained the conversion premium under Regulation (EEC) No 1078/77, for the damage suffered by him on account of the illegal provisions in Regulation (EEC) No 857/84. The claim is for loss of profit in the sum of DM 0,35/kg for deliveries of milk which could not be made during the period from 15 September 1985 to 15 July 1989.