

**Re:**

APPLICATION for interim measures, including suspension of operation of point 19 of Table B of Annex I to Council Implementing Regulation (EU) No 503/2011 of 23 May 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 136, p. 26), in so far as the list of persons and entities whose funds and economic resources are frozen includes an entity designated under the name of 'Safa Nicu'.

**Operative part**

1. The application for interim measures is dismissed.
2. Costs are reserved.

**Judgment of the General Court (First Chamber) of 29 September 2011 —  
Poland v Commission**

**(Case T-4/06)**

(Agriculture — Act of Accession 2003 — Regulation (EC) No 1260/2001 — Regulation (EC) No 1686/2005 — Regulation (EC) No 1193/2009 — 2004/2005 marketing year — Additional levy — Setting of two coefficients — Competence — Legal basis — Empowering measure — Duty to state reasons — Compliance with essential procedural requirements)

1. *Agriculture — Common organisation of the markets — Sugar — Commission regulation setting two additional levy coefficients — Legal basis — Regulation No 1260/2001 — Not permissible (Council Regulation No 1260/2001, Art. 16(2) and (5); Commission Regulation No 1686/2005, as amended by Regulation No 1193/2009, Art. 2) (see paras 61-65)*
  
2. *Accession of new Member States to the Communities — Act of Accession 2003 — Agriculture — Common organisation of the markets — Transitional measures in the sugar sector — Commission regulation setting two additional levy coefficients — Legal basis — Article 41, first paragraph, Act of Accession — Lawfulness (Act of Accession 2003, Art. 41, first para.; Commission Regulations No 60/2004 and No 1686/2005, as amended by Regulation No 1193/2009, Art. 2) (see paras 70-72, 77-79)*
  
3. *Agriculture — Common organisation of the markets — Sugar — Commission regulation setting two additional levy coefficients — Legal basis — Duty to mention expressly in the statement of reasons for the measure — Scope — No express mention without the possibility of determination by recourse to other elements of the statement of reasons — Annulment of the provision concerned (Act of Accession 2003, Art. 41, first para.; Commission Regulation No 1686/2005, as amended by Regulation No 1193/2009, Art. 2) (see paras 80, 82-87, 90-93)*

**Re:**

ANNULMENT of Article 2 of Commission Regulation (EC) No 1686/2005 of 14 October 2005 setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/05 marketing year, as amended by Article 3 of Commission Regulation (EC) No 1193/2009 of 3 November 2009 correcting Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005, (EC)

No 164/2007 and fixing the production levies in the sugar sector for marketing years 2002/2003, 2003/2004, 2004/2005, 2005/2006 (OJ 2009 L 321, p. 1).

## **Operative part**

The Court:

1. Annuls Article 2 of Commission Regulation (EC) No 1686/2005 of 14 October 2005 setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/05 marketing year, as amended by Article 3 of Commission Regulation (EC) No 1193/2009 of 3 November 2009 correcting Regulations (EC) No 1762/2003, (EC) No 1775/2004, (EC) No 1686/2005, (EC) No 164/2007 and fixing the production levies in the sugar sector for marketing years 2002/2003, 2003/2004, 2004/2005, 2005/2006;
2. Orders the European Commission to pay the costs.

### **Judgment of the General Court (Fifth Chamber) of 29 September 2011 — Ryanair v Commission**

**(Case T-442/07)**

(State aid — Aviation sector — Aid granted by the Italian authorities to Alitalia, Air One and Meridiana — Action for failure to act — Failure by the Commission to define its position — Obligation to act)

1. *Actions for failure to act — Institution called upon to act — Conditions — Clear and express request — Letter of formal notice addressed to the Commission listing and complaining of the existence of various aid measures incompatible with the common market — Admissibility (Arts 87 EC, 88(2) EC and 232 EC) (see paras 22-26, 41)*