Operative part

The Court:

1. Dismisses the action;

2. Orders Brighton Collectibles Inc. to bear its own costs and to pay the costs of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);

3. Orders Felmar to bear its own costs.

Judgment of the General Court (First Chamber) of 28 September 2011 — Greece v Commission

(Case T-352/05)

(EAGGF — Guarantee section — Expenditure excluded from Community financing — Specific measures for certain agricultural products in favour of the minor islands of the Aegean Sea — Fruit and vegetables — Raw tobacco — Goat and sheepmeat — Non-compliance with payment deadlines — Proportionality — Increase in flat-rate correction for recurrent weaknesses)

1. *Agriculture — Common agricultural policy — EAGGF financing — Grant of aids and premiums — Obligation on Member States to organise an effective system of administrative controls and on-the-spot checks (Council Regulations No 1258/1999 and No 3508/92) (see paras 91-93)*

2. *Agriculture — Common agricultural policy — EAGGF financing — Clearance of accounts — Disallowance of expenditure arising from irregularities in the application of the Community rules (Council Regulation No 1258/1999) (see paras 94-97, 110-111, 168)*

3. *European Union law — Principles — Force majeure — Concept (see paras 122-124, 199)*

4. *Agriculture — Common agricultural policy — EAGGF financing — Clearance of accounts — Disallowance of expenditure arising from irregularities in the application of the Community rules (Council Regulation No 1258/99, Art. 7(4); Commission Regulation No 296/96, Art. 4(2)) (see paras 129-131, 167)*

5. *Agriculture — Common agricultural policy — EAGGF financing — Clearance of accounts — Disallowance of expenditure arising from irregularities in the application of Community rules (Council Regulation No 1258/99; Commission Regulation No 296/96, Art. 4(2)) (see paras 144-148, 203)*

6. *Agriculture — Common agricultural policy — EAGGF financing — Grant of aids and premiums — Obligation on Member States to organise an efficient system of administrative controls and spot checks (Council Regulation No 3508/92, Arts 9a(1) and 13(1)(d); Commission Regulation No 2848/98, Art. 45, first para., (a)) (see paras 231, 234-238)*

7. *Acts of the institutions — Regulations — Regulation prescribing specific control measures — No Member State discretion (see para. 241)*

Re:

ANNULMENT of Commission Decision 2005/579/EC of 20 July 2005 disallowing from Community financing certain expenditure incurred by the Member States under the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section (OJ 2005 L 199, p. 84) in so far as it excludes certain expenditure carried out by the Hellenic Republic in the context of specific measures for certain agricultural products in favour of the minor islands of the Aegean Sea and in the fruit and vegetables, raw tobacco and goat and sheepmeat sectors.

Operative part

The Court:

1. Dismisses the action;

2. Orders the Hellenic Republic to pay the costs.

Order of the General Court (First Chamber) of 28 September 2011 — UCAPT v Council

(Case T-96/09)

(Action for annulment — Common agricultural policy — Support schemes for farmers — Production aid for tobacco — Regulation (EC) No 73/2009 — Not of individual concern — Inadmissible)

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Possibility of being individually concerned by a general decision — Conditions — Regulation establishing common rules for direct support schemes for farmers under the common agricultural policy — Action brought by the Union des coopératives agricoles des producteurs de tabac de France — Not of individual concern — Inadmissibility (Art. 230, fourth para., EC; Council Regulation No 73/2009) (see paras 29-33, 36, 40-43, 45)

Re:

ACTION for annulment of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16).