Judgment of the Court of First Instance (First Chamber) of 13 June 2006 — Atlantean v Commission

(Case T-192/03)

Fishing — Multiannual guidance programmes — Request to increase the objectives on safety grounds — Decision 97/413/EC — Refusal of the Commission — Action for annulment — Admissibility — Competence of the Commission

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Art. 230, fourth para., EC; Commission Decision 2003/245) (see paras 42-46, 49-53)*

2. *Fisheries — Common structural policy — Multiannual guidance programmes (Council Decision 97/413, Arts 4(2) and 9; Commission Decision 2003/245) (see paras 84, 85, 87-89, 117)*

Re:

ACTION for the annulment of Commission Decision 2003/245/EC of 4 April 2003 on the requests received by the Commission to increase MAGP IV objectives to take into account improvements on safety, navigation at sea, hygiene, product quality and working conditions for vessels of more than 12 m in length overall (OJ 2003 L 90, p. 48), in so far as that decision rejects the request to increase the capacity of the vessel *Atlantean*.

Operative part

The Court:

1. Annuls Commission Decision 2003/245/EC of 4 April 2003 on the requests received by the Commission to increase MAGP IV objectives to take into

account improvements on safety, navigation at sea, hygiene, product quality and working conditions for vessels of more than 12 m in length overall in so far as it applies to the applicant's vessel *Atlantean*;

2. Orders the Commission to bear its own costs and to pay those incurred by the applicant;

3. Orders Ireland to bear its own costs.

Order of the Court of First Instance (Second Chamber) of 14 June 2006 — Italy v Commission

(Case T-110/05)

Avian influenza — Exceptional support measures in the egg sector — Absence of exceptional support measures in the poultrymeat sector — Action for annulment — Inadmissible

Actions for annulment — Actionable measures — Definition — Measures producing binding legal effects (Art. 230 EC; Commission Regulation No 2102/2004) (see paras 45-50)

Re:

ACTION for the annulment of Commission Regulation (EC) No 2102/2004 of 9 December 2004 on certain exceptional market support measures for eggs in Italy (OJ 2004 L 365, p. 10), in so far as it fails to provide exceptional market support measures in the poultrymeat sector in accordance with Article 14 of Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat (OJ 1975 L 282, p. 77).