Order of the Court of First Instance (Fifth Chamber) of 7 July 2006 — Établissements Toulorge v Parliament and Council

(Case T-167/02)

Action for damages — Non-contractual liability — Marketing of compound feedingstuffs for animals — Actual damage

Non-contractual liability — Conditions — Actual and certain damage (Arts 235 EC and 288, second para., EC; European Parliament and Council Directive 2002/2, Art. 1(1)(b) and (4) (see paras 22, 28-30, 32)

Re:

APPLICATION for compensation for the damage allegedly suffered by the applicant owing to Directive 2002/2/EC of the European Parliament and of the Council of 28 January 2002 amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs and repealing Commission Directive 91/357/EEC (OJ 2002 L 63, p. 23).

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay its own costs and those of the Parliament and the Council;

3. Orders the Federal Republic of Germany and the Commission to bear their own costs.