INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Eighth Chamber) of 29 March 2012 — Czech Republic v Commission

(Case T-248/07)

(Agriculture — Common organisation of the markets — Measures to be adopted due to the accession of new Member States — 2003 Act of Accession — Determination of surplus stocks of agricultural products other than sugar and the financial consequences of their elimination — Objective pursued by a provision of primary legislation — Decision 2007/361/EC)

1. *Accession of new Member States to the Communities — 2003 Act of Accession — Agriculture — Common organisation of the markets — Transitional measures concerning trade in agricultural products — Assessment of excess stocks — Attenuation of the obligation to eliminate excess stocks (2003 Act of Accession, Annex IV, Section 4(2); Commission Regulation No 1972/2003) (see para. 30)*

2. *Accession of new Member States to the Communities — 2003 Act of Accession — Agriculture — Common organisation of the markets — Transitional measures concerning trade in agricultural products — Elimination by new Member States of their excess stocks — Concept — Commission's margin of discretion (2003 Act of Accession, Annex IV, Section 4(2)) (see paras 40-48)*

3. *Accession of new Member States to the Communities — 2003 Act of Accession — Agriculture — Common organisation of the markets — Transitional measures concerning trade in agricultural products — Duty of new Member States to eliminate their excess stocks — Commission decision imposing a payment obligation not designed to cover the costs of eliminating surpluses from the internal market — Incompatibility with Annex IV, Section 4(2) of the Act of Accession — Annulment (2003 Act of Accession, Annex IV, Section 4(2)) (see paras 49-52, 75-77, 79-80)*

Re:

APPLICATION for annulment of Commission Decision 2007/361/EC of 4 May 2007 on the determination of surplus stocks of agricultural products other than sugar and the financial consequences of their elimination in relation to the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ 2007 L 138, p. 14).

Operative part

The Court:

1. Annuls Commission Decision 2007/361/EC of 4 May 2007 on the determination of surplus stocks of agricultural products other than sugar and the financial consequences of their elimination in relation to the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;

2. Dismisses the remainder of the action;

3. Orders the European Commission to pay the costs incurred by the Czech Republic and to bear its own costs;

4. Orders the Slovak Republic and the Republic of Poland to bear their own costs.