Judgment of the Court of First Instance (Fourth Chamber) of 25 January 2006 — Le Canne v Commission

(Case T-276/03)

Judgment annulling a Commission decision reducing the amount of Community financial assistance — Procedures for compliance — Action for failure to act — No need to adjudicate — Action for damages

1. *Actions for failure to act — Failure remedied after commencement of proceedings — Subject-matter of the action ceasing to exist — No need to adjudicate (Arts 232 EC and 233 EC) (see paras 34-39)*

2. *Actions for damages — Subject-matter — Application for damages suffered by reason of a failure to act on the part of a Community institution (Art. 235 EC) (see paras 45-48)*

Re:

APPLICATION for, first, a declaration that the Commission unlawfully failed to adopt the measures necessary to comply with the judgment of the Court of First Instance of 5 March 2002 in Case T-241/00 *Le Canne* v *Commission* [2002] ECR II-1251 and, secondly, damages for the loss alleged to have resulted from that failure.

Operative part

The Court:

1. Declares that there is no need to adjudicate on the claim alleging failure to act;

2. Dismisses the claim for compensation;

3. Orders the parties to bear their own costs.