

annulment of Commission Decision PT-C(95)543 of 12 December 1995 reducing financial assistance — the Court of First Instance (Third Chamber), composed of: B. Vesterdorf, President, C. P. Briët and A. Potocki, Judges; B. Pastor, Principal Administrator, for the Registrar, has given a judgment on 7 November 1997, in which it:

1. *dismisses the action;*
2. *orders the applicant to pay the costs, including the costs of the proceedings on the application for interim measures.*

(¹) OJ C 233, 10. 8. 1996.

ORDER OF THE COURT OF FIRST INSTANCE
of 30 September 1997

in Case T-151/95: Instituto Europeu de Formação Profissional Lda (INEF) v. Commission of the European Communities (¹)

(European Social Fund — Reduction of financial assistance — Actions for annulment of measures — Time-limits — Inadmissibility)

(97/C 387/37)

(Language of the case: Portuguese)

In Case T-151/95: Instituto Europeu de Formação Profissional Lda (INEF), established at Oporto (Portugal), represented by Bolota Belchior, of the Vila Nova de Gaia Bar, with an address for service in Luxembourg at the Chambers of Jacques Schroeder, 6 Rue Heinrich Heine, v. Commission of the European Communities (Agents: initially, Ana Maria Alves Vieira and Günter Wilms and, subsequently, Maria Teresa Figueira and Knut Simonsson) — application for annulment of the Commission's decision of 2 December 1991 reducing the aid granted by the European Social Fund in case 991005 P1 in favour of a vocational training programme operated in Portugal by the applicant — the Court of First Instance (Second Chamber), composed of: C. W. Bellamy, President; A. Kalogeropoulos and M. Jaeger, Judges; H. Jung, Registrar, made an order on 30 September 1997, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the applicant is ordered to pay the costs.*

(¹) OJ C 268, 14. 10. 1995.

ORDER OF THE COURT OF FIRST INSTANCE
of 30 September 1997

in Case T-122/96: Federazione Nazionale del Commercio Oleario (Federolio) v. Commission of the European Communities (¹)

(Agriculture — Common organization of the markets — Olive oil — Consumption aid — Regulation (EC) No 887/96 — Action for annulment — Association of traders — Inadmissibility)

(97/C 387/38)

(Language of the case: Italian)

In Case T-122/96: Federazione Nazionale del Commercio Oleario (Federolio), established in Rome, represented by Livia Magrone Furlotti, of the Rome Bar, with an address for service in Luxembourg at the Chambers of Marc Loesch, 11 Rue Goethe, v. Commission of the European Communities (Agents: Eugenio de March and Paolo Ziotti) — application for partial annulment of Commission Regulation (EC) No 887/96 of 15 May 1996, amending Regulation (EEC) No 2677/85 laying down implementing rules in respect of the system of consumption aid for olive oil (OJ L 119, 16. 5. 1996, p. 16 and OJ L 254, 25. 9. 1985, p. 5, respectively) — the Court of First Instance (Fifth Chamber), composed of: R. García-Valdecasas, President, J. Azizi and M. Jaeger, Judges; H. Jung, Registrar, made an order on 30 September 1997, the operative part of which is as follows:

1. *the application is dismissed as inadmissible;*
2. *the applicant is ordered to pay the costs.*

(¹) OJ C 370, 7. 12. 1996.

Action brought on 2 October 1997 by Associazione G.A.L. Penisola Sorrentina against Commission of the European Communities

(Case T-263/97)

(97/C 387/39)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 2 October 1997 by Associazione G.A.L. Penisola Sorrentina, represented by Gian Luca Lemmo and Vincenzo Mormile, of the Naples Bar, with an address for service in Naples at 31 Via del Parco Marguerita.

The applicant claims that the Court should annul Commission Decision C(97) 1261 of 15 May 1997.

Pleas in law and main arguments adduced in support:

By the contested decision, the defendant, amending Decision C(95) 444/3 of 5 April 1995 concerning the grant of a contribution from the EAGGF, changed the Leader II Operational Programme as regards Point 1.3 and Point 6.1, and in so doing failed to include among the areas for action the territory of the Comunità Montana Penisola Sorrentina, since 'on the basis of the provisions of the programme, it does not appear necessary to promote and implement further Programmi di Azione Locale (Local Action Programmes — "PALs"), in view of the fact that in the latter area socioeconomic development is more advanced and more integrated than in the other areas concerned'. According to the applicant, those statements are not only incorrect but also lack any basis whatsoever.

In support of its claims, the applicant alleges infringement of Article 190 of the Treaty of Rome, breach of essential procedural requirements, breach of the obligation of sound administration and of the principle of the protection of legitimate expectations, as well as a total lack of any statement of reasons and manifest lack of any proper basis.

It is alleged, first, that the contested decision is based on the misconception that a PAL had already been approved for the area in question, in disregard of the fact that the PAL submitted by the applicant had not been granted financing. Furthermore, the area in question is not among the most developed in Campania.

The applicant also alleges that the choice made by the defendant is contradictory. It is considered in that regard that in the Regional Programme for implementation of the Leader II, described above, the Campania Region, in applying Directive 75/268/EEC⁽¹⁾, initially included Penisola Sorrentina among the so-called 'less-favoured' areas for action on the basis of certain socio-economic indicators and then, in the light of the same indicators, decided that it was unnecessary to promote and implement further PALs in that area.

The defendant confined itself to excluding the Sorrentina Area on the ground that it was developed, without however giving the slightest indication of the reasons justifying that decision and without undertaking an appropriate inquiry.

In the applicant's view, such an inquiry would have made it clear that the area in question is classified, within the meaning of the abovementioned Directive 75/268/EEC, as 'a mountain area and less favoured area' and that, for that precise reason, it was included in the Leader II Programme, among priority areas for action.

⁽¹⁾ Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas (OJ L 128, 19. 5. 1975, p. 1).

Action brought on 12 May 1997 by the Region of Tuscany against the Commission of the European Communities

(Case T-265/97)

(97/C 387/40)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 12 May 1997 by the Region of Tuscany, represented by Vito Vacchi and Lucia Bora, of the Florence Bar, with an address for service in Luxembourg at the Chambers of Paolo Benocci, 50 Rue de Vianden, and subsequently referred, on the ground of manifest lack of jurisdiction of the Court of Justice, to the Court of First Instance by order of the Court of Justice of 1 October 1997.

The applicant claims that the Court should:

- annul Memorandum VI/040551 of the European Commission — Directorate General for Agriculture — of 21 November 1994,
- annul the act — never notified to the applicant region — by which the European Commission withdrew the Community assistance earmarked under the Integrated Mediterranean Programme (IMP) for Project No 88.20.IT.006.0 (works for the supply of potable water in Tuscany),
- annul the European Commission's memorandum of 31 January 1997, received by the applicant on 7 February 1997, by which the Commission informed it that the assistance had been withdrawn.

Pleas in law and main arguments adduced in support:

The pleas in law and main arguments are those adduced in Case T-81/97 Region of Tuscany v. Commission⁽¹⁾.

⁽¹⁾ OJ C 166, 31. 5. 1997, p. 21.

Action brought on 13 October 1997 by Azienda Agricola Tre e Mezzo against Commission of the European Communities

(Case T-269/97)

(97/C 387/41)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of Justice of