

represented by Dr Mailänder, Dr Adolff, Dr Winkler, Dr Gerstenmeier, H. Schädel, Dr Kessler, Dr Schmidt-Lorenz, Dr Fischer and Dr Waldenmaier, Rechtsanwälte, 83 Lenzhalde, D-7000 Stuttgart 1, with an address for service in Luxembourg at the Chambers of Ernest Arendt and Jean Medernach, 4 Avenue Marie-Thérèse.

The Applicant claims that the Court should:

1. order the defendant to pay the applicant DM 114 672,60 together with interest at the annual rate of 10 % payable from 1 November 1983 to the date of payment;
2. declare the defendant liable to compensate the applicant for all present and future damage resulting from the fact that by virtue of Article 3a (2) of Regulation (EEC) No 857/84 ⁽¹⁾, as inserted by Regulation (EEC) No 764/89 ⁽²⁾, he was allocated only 60 % of the quantity of milk delivered by the producer during the 12 calendar months preceding the month in which the application for the non-marketing premium was made.

In the alternative:

Order the defendant to pay the applicant DM 50 000 together with interest at the annual rate of 8 % to the date of payment;

3. order the defendant to pay the costs.

The pleas in law and main arguments adduced in support are the same as those in Case C-216/90 ⁽³⁾.

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 2.

⁽³⁾ OJ No C 222, 6. 9. 1990, p. 3.

Action brought on 30 March 1992 by Peter Rabe against the European Economic Community, represented by the Council and the Commission of the European Communities

(Case C-104/92)

(92/C 109/12)

An action against the European Economic Community, represented by the Council and the Commission of the European Communities, was brought before the Court of Justice of the European Communities on 30 March 1992 by Peter Rabe, D-2397 Handewitt, represented by Dr Mailänder, Dr Adolff, Dr Winkler, Dr Gerstenmeier, H. Schädel, Dr Kessler, Dr Schmidt-Lorenz, Dr Fischer and Dr Waldenmaier, Rechtsanwälte, 83 Lenzhalde, D-7000 Stuttgart 1, with an address for service in Luxembourg at the Chambers of Ernest Arendt and Jean Medernach, 4 Avenue Marie-Thérèse.

The applicant claims that the Court should:

1. order the defendant to pay the applicant DM 105 686,40 together with interest at the annual rate of 10 % payable from 26 March 1986 to the date of payment;
2. declare the defendant liable to compensate the applicant for all present and future damage resulting from the fact that by virtue of Article 3a (2) of Regulation (EEC) No 857/84 ⁽¹⁾, as inserted by Regulation (EEC) No 764/89 ⁽²⁾, he was allocated only 60 % of the quantity of milk delivered by the producer during the 12 calendar months preceding the month in which the application for the non-marketing premium was made;

In the alternative:

Order the defendant to pay the applicant DM 50 000 together with interest at the annual rate of 10 % to the date of payment;

3. order the defendant to pay the costs.

The pleas in law and main arguments adduced in support are the same as those in Case C-216/90 ⁽³⁾.

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 2.

⁽³⁾ OJ No C 222, 6. 9. 1990, p. 3.