

Case T-461/93

An Taisce — The National Trust for Ireland and
WWF UK (World Wide Fund for Nature)

v

Commission of the European Communities

(Structural funds — Action for damages — Admissibility)

Judgment of the Court of First Instance (Second Chamber), 23 September
1994 II - 735

Summary of the Judgment

Economic and social cohesion — Structural assistance — Community financing granted for national operations — Financing conditional on compliance with regulations setting out Community policies — Suspension or reduction of financial assistance granted for a national operation — Procedure distinct and separate from that of an action for failure to fulfil obligations
(EEC Treaty, Art. 169; Council Regulations No 2052/88, Art. 7(1), and No 4253/88, Art. 24)

Under Article 7(1) of Regulation No 2052/88, measures financed by the Structural Funds or receiving assistance from the European Investment Bank (EIB) or from another existing financial instrument

are required to be in keeping with the provisions of the treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning the rules on competition, the

award of public contracts and environmental protection. Under Article 24 of Regulation No 4253/88, the Commission may suspend or reduce assistance in respect of an operation if, after examination of the case in the framework of a partnership with the authorities of the Member State concerned, it finds that there has been an irregularity.

continue a procedure for failure to fulfil obligations does not in any way prevent the Commission from suspending or reducing Community assistance, even after completion of the work, particularly where one or more of the conditions to which that assistance has been made subject have not been satisfied.

The procedure for the suspension or reduction of Community financial aid for which Article 24 of Regulation No 4253/88 provides is independent of the procedure under Article 169 of the Treaty for failure to fulfil obligations in so far as neither the initiation of a procedure for failure to fulfil obligations nor a declaration to that effect automatically entails the suspension or reduction of Community financial assistance and a decision to dis-

It follows that the decision by the Commission not to initiate a procedure against a Member State for failure to fulfil obligations on the ground of the latter's failure to meet its obligations with regard to environmental protection in connection with the realization of a project benefiting from Community financial assistance cannot be treated as constituting at the same time a decision not to make use of the possibility of reviewing that assistance.