

## Case T-537/93

Hervé Tromeur

v

### Council of the European Union and Commission of the European Communities

(Action for damages — Non-contractual liability — Milk — Additional levy — Reference quantity — Producer having entered into an undertaking to convert — Production not resumed on expiry of the undertaking)

Judgment of the Court of First Instance (single judge), 21 June 2000 . . . II - 2459

#### Summary of the Judgment

*Non-contractual liability — Conditions — Unlawful conduct of the institutions — Milk producers deprived of reference quantities under the additional levy scheme following their suspension of deliveries under conversion premium arrangements — Producer not resuming production on expiry of his conversion undertaking — Breach of the principle of protection of legitimate expectations — None*

*(EC Treaty, Art. 215, second para. (now Art. 288 EC, second para.); Council Regulations Nos 1078/77 and 857/84)*

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The Community cannot be held liable, as a result of the application of Regulation No 857/84 fixing, within the context of the additional levy scheme for milk, the reference quantity for each producer on the basis of the production delivered during a reference year, to a producer who, following an undertaking under Regulation No 1078/77 to convert his herd for a specified period, did not resume milk production after the end of the conversion period, although he was in a position to do so.

period, he cannot claim to have had a legitimate expectation in the possibility of resuming milk production at some unspecified future date. In the sphere of the common organisations of the market, whose purpose involves constant adjustments to meet changes in the economic situation, economic operators cannot legitimately expect that they will not be subject to restrictions which may arise out of future rules of market or structural policy.

While the producer did ask to be allocated a reference quantity several years after that

(see paras 37, 41-42)