

Joined Cases T-452/93 and T-453/93

Pesquería Vasco-Montañesa, SA (Pevasa), and
Compañía Internacional de Pesca y Derivados, SA (Inpesca),

v

Commission of the European Communities

(Fisheries — Community financial aid for the construction of fishing vessels —
Regulation (EEC) No 4028/86 — Inadmissibility)

Order of the Court of First Instance (Second Chamber), 28 April 1994 II - 231

Summary of the Order

1. *Actions for annulment of measures — Measures against which actions may be brought — Definition — Measures having binding legal effects — Letter from the Commission rejecting an application for Community financial aid*
(EEC Treaty, Art. 173)
2. *Actions for annulment of measures — Time-limits — Point from which time starts to run — Notification — Definition*
(EEC Treaty, Art. 173, third para.)

3. *Actions for annulment of measures — Powers of the Community judicature — Forms of order seeking a declaration of an applicant's entitlement — Inadmissibility (EEC Treaty, Art. 173 and Art. 176, first para.)*
4. *Action for damages — Forms of order seeking damages linked to forms of order which are inadmissible on the ground that they are for a declaration of an applicant's entitlement — Inadmissibility*

1. Any measure, regardless of the form in which it is cast, the legal effects of which are binding on, and capable of affecting the interests of, the applicant by bringing about a distinct change in his legal position is an act or a decision against which an action for annulment may be brought.

That definition applies to a letter, drafted in precise and unequivocal terms, in which the Commission takes a definitive position with regard to the applicant's application for Community financial aid.

2. A decision should be regarded as having been properly notified to an applicant, within the meaning of the third paragraph of Article 173, where it is established that the applicant received a precise and unequivocal letter which contained that decision.

Where it is not possible to determine on which date the said letter was received,

the time-limit for bringing an action is regarded as starting to run at the latest on the date appearing on a letter from the applicant which refers to that letter.

3. In actions for annulment brought under Article 173 of the Treaty, an application based on the first paragraph of Article 176 of the Treaty for recognition by the Community judicature of the applicant's rights is inadmissible since it exceeds the powers conferred on it in that regard.
4. Where an applicant has brought an action for both a declaration from the Community judicature of his entitlement to Community financial aid and for compensation in the form of interest for late payment of the requested aid, the claim for compensation cannot stand alone and accordingly is inadmissible as a consequence of the inadmissibility of the claim for a declaration.