

Case T-541/93

James Connaughton and Others

v

Council of the European Union

(Action for annulment — Milk — Additional levy —
Reference quantity — Producers having entered into non-marketing or
conversion undertakings — Compensation — Regulation (EEC) No 2187/93 —
Legal effects — Admissibility)

Judgment of the Court of First Instance (First Chamber, Extended Composition), 16 April 1997 II - 551

Summary of the Judgment

Actions for annulment — Measures against which actions may be brought — Measures having binding legal effects — Regulation providing for an offer of flat-rate compensation to milk producers injured by failure to allocate them a reference quantity — Excluded
(EC Treaty, Art. 173; Council Regulation No 2187/93)

Only measures which produce binding legal effects such as to affect the interests of an applicant by bringing about a distinct change

in his legal position may be the subject of an action for annulment under Article 173 of the Treaty.

Regulation No 2187/93 is not such a measure and is not amenable to challenge by producers of milk or milk products who have been temporarily prevented from carrying on their trade as a result of the failure to allocate them a reference quantity. The regulation merely provides for the producers concerned to be made an offer of flat-rate

compensation acceptance of which is optional and in the event that producers do not accept the offer, they remain in exactly the same position as if the regulation in question had not been adopted in that they retain the right to bring an action for damages under Articles 178 and 215 of the Treaty.