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Press and Information

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Judgment of the Court of First Instance in Case T-310/06

Republic of Hungary v Commission

**THE COURT OF FIRST INSTANCE ANNULS IN PART THE COMMISSION
REGULATION INTENDED TO UPGRADE THE CRITERIA FOR INTERVENTION
FOR MAIZE**

By failing to communicate in good time to the producers concerned the intended introduction of a new criterion relating to the specific weight of maize, the Commission has infringed the legitimate expectations of those farmers

Under the common organisation of the markets in the cereals sector, the intervention agencies designated by the Member States buy maize harvested in the Community and offered to them, provided that the offers comply in particular with certain criteria of quality, concerning originally maximum moisture content and the percentage of broken grains and grains overheated during drying.

On 18 October 2006 the Commission adopted a regulation ¹ designed to upgrade the criteria of quality. On the one hand, it reinforced the previous quality criteria and, on the other, introduced a new criterion of specific weight for maize in order to take into account the new situation in the intervention scheme linked to the problems of long-term storage of that cereal and their effects on its quality. The regulation became applicable from 1 November 2006 for the intervention period from 1 November 2006 to 31 March 2007, with the result that the new criteria of quality so laid down apply to maize already planted in the spring of 2006 and harvested in the autumn of 2006.

On 17 November 2006 the Republic of Hungary brought an action before the Court of First Instance of the European Communities seeking annulment of those provisions of the regulation relating to the introduction of the criterion of specific weight for maize.

The Court granted the Republic of Hungary's application for an expedited procedure.

¹ Commission Regulation (EC) No 1572/2006 of 18 October 2006 amending Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals (OJ 2006 L 290, p. 29)

In its judgment today the Court declares, first of all, that by introducing a new criterion relating to the specific weight of maize 12 days before the Regulation became applicable, that is to say, at a time when the producers had already sown the seeds and when they could no longer influence the specific weight of the crop, the contested provisions produce effects on the investments made by the producers concerned in that they made fundamental changes to the conditions for offering maize for intervention. In that situation, the Court finds that **the Commission, by failing to communicate the measures at issue to the producers concerned in good time, has infringed the legitimate expectations of those farmers.**

Next, the Court finds that, according to the regulation, upgrading of the pre-existing criteria of quality was necessary in order to make intervention produce less fragile in terms of deterioration and subsequent use. By contrast, the regulation does not state clearly and expressly to what extent the introduction of the criterion of specific weight is intended also to upgrade the quality criteria for maize. Thus, **the regulation** does not state that specific weight forms a criterion of quality for maize, and **does not explain how that factor may be considered to be relevant in evaluating the quality of the maize.**

Last, the Court finds that the Commission's argument that specific weight is of relevance in evaluating the quality of maize, inasmuch as it has an effect on the nutritional value of maize, is not only not supported by any evidence but is, moreover, contradicted by the documents produced before the Court with the result that the regulation has to be considered to be vitiated by a manifest error of assessment.

In those circumstances, the Court declares that the provisions of the regulation relating to the criterion of specific weight for maize **must be annulled.**

REMINDER: An appeal, limited to points of law only, may be brought before the Court of Justice of the European Communities against a decision of the Court of First Instance, within two months of its notification.

Unofficial document for media use, not binding on the Court of First Instance.

Languages available: BG DE EL EN ES FR HU IT PL PT RO

The full text of the judgment may be found on the Court's internet site

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-310/06>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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