

Case T-332/99

Paul Jestädt

v

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

(Action for damages — Non-contractual liability — Milk — Additional levy — Reference quantity — Regulation (EC) No 2330/98 — Compensation for producers — Limitation — Action manifestly inadmissible)

Order of the Court of First Instance (Fourth Chamber), 19 September 2001 II-2564

Summary of the Order

- 1. Actions for damages — Limitation period — Starting point — Liability on account of Regulation No 857/84 resulting in a reference quantity not being allocated to milk producers who entered into a non-marketing undertaking — Date to be taken into consideration*

(Arts 235 EC and 288, second para., EC; EC Statute of the Court of Justice, Art. 43; Council Regulations No 1078/77 and 857/84)

2. *Actions for damages — Limitation period — Interruption — Conditions — Proceedings instituted before the Community judicature or an application made to the competent institution*
(Arts 230 EC and 232, second para., EC; EC Statute of the Court of Justice, Art. 43; Council Regulation No 2330/98)
3. *Acts of the institutions — General obligation to inform individuals of the judicial remedies available and the conditions which must be met — No such obligation*

1. The limitation period for actions against the Community concerning non-contractual liability, laid down by Article 43 of the Statute of the Court of Justice, cannot begin to run before all the requirements governing the obligation to make good the damage are satisfied and, in particular, in cases where liability stems from a legislative measure, before the injurious effects of the measure have been produced, it being the case that those conditions consist of the existence of unlawful conduct on the part of the Community institutions, the existence of the damage alleged and the existence of a causal link between that conduct and the loss claimed.

on that date that the requirements for an action for damages against the Community are satisfied. The damage was not caused instantaneously but recurred on a daily basis. The time bar under Article 43 of the Statute of the Court of Justice applies to the period preceding by more than five years the date of the event which interrupted the limitation period and does not affect rights which arose during subsequent periods.

(see paras 40-41, 44-45)

Damage suffered by a milk producer as a result of being unable to use a reference quantity arises on the date when, following the expiry of his non-marketing undertaking signed pursuant to Regulation No 1078/77, the producer concerned would have been able to resume milk deliveries, without having to pay the additional levy, if he had not been refused a reference quantity under Regulation No 857/84. Therefore it is

2. In accordance with Article 43 of the Statute of the Court of Justice, the limitation period is interrupted only if proceedings are instituted before the Community judicature or if an application is made to the competent Community institution; however, in the latter case, interruption only occurs if the request is followed by an applica-

tion within the time-limit determined by reference to Articles 230 EC or 232 EC.

3. In the absence of express provisions of Community law, the Community administration and judicature cannot be placed under a general obligation to inform individuals of the judicial remedies available or of the time-limits for availing themselves thereof.

When a milk producer receives an offer of compensation pursuant to Regulation No 2330/98, he must be able to benefit from the waiver of the limitation period in a letter from the institutions replying to the request for compensation submitted to them by the applicant, and consequently to interrupt the limitation period, in accordance with Article 43 of the Statute of the Court of Justice, at the date of his request for compensation, provided that he commence the action no later than two months following the expiry of the period for accepting the offer provided for in the regulation

(see paras 47, 51-53)

(see para. 50)