

Case T-53/96

**Syndicat des Producteurs de Viande Bovine de la Coordination Rurale
and Others**

v

Commission of the European Communities

(Common agricultural policy — Emergency measures for protection of public
health — Action for damages — Unforeseeable damage — Inadmissibility)

Order of the Court of First Instance (Fifth Chamber), 21 November 1996 II - 1581

Summary of the Order

Procedure — Application originating proceedings — Formal requirements — Summary of the pleas relied on — Application for reparation of damage caused by a Community institution — No evidence of the damage suffered or of a causal link — Inadmissible — Not possible to make good lack of evidence by requesting appointment of an expert for determining the material damage allegedly suffered

(EC Statute of the Court of Justice, Art. 19; Rules of Procedure of the Court of First Instance, Arts 44(1)(c), 64(2)(b) and (c), and 65(d))

II - 1579

Under Article 19 of the EC Statute of the Court of Justice and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, any application must state the subject-matter of the proceedings and contain a summary of the pleas in law on which the application is based. An application for reparation of damage alleged to have been caused by a Community institution which does not provide the slightest evidence of either the nature of the alleged damage or of the way in which it was caused by the conduct of the defendant institution does not satisfy those requirements.

Such a total lack of particulars cannot be regarded as being made good by a request, made in the application, for appointment of an expert for determining the material damage to be made good. Such a request cannot be granted in so far as it seeks measures of inquiry under Article 65(d) of the Rules of Procedure since such a measure presupposes that the facts to be proved are identified, which the application fails to do. Nor can it be granted in so far as it seeks a measure of organization of procedure under Article 64(2)(b) and (c) of those Rules because its purpose is neither to determine the points requiring further inquiry nor to clarify the forms of order sought or the points at issue between the parties.