

Case T-226/94

Paul Dischamp SA **v** **Commission of the European Communities**

(Suspension of the buying-in of butter by the intervention agencies —
Action for damages)

Judgment of the Court of First Instance (Fifth Chamber), 21 June 1996 II - 577

Summary of the Judgment

1. *Agriculture — Common organization of the markets — Milk and milk products — Buying-in of intervention butter — Resumption of standing intervention arrangements after their suspension — Conditions regarding the level of prices and stocks — Detailed rules for calculating prices and stocks*
(Council Regulation No 777/87, Art. 1(4); Commission Regulation No 1547/87, Art. 1(2))
2. *Non-contractual liability — Conditions — Unlawful conduct — Damage — Causal link*
(EC Treaty, Art. 215, second para.)

1. By not resuming, at the end of 1990 and at the beginning of 1991, the buying-in of butter in accordance with the standing intervention arrangements, the Commission infringed neither Article 1(4) of Regulation No 777/87 modifying the intervention arrangements for butter and skimmed-milk powder nor Article 1(2) of Regulation No 1547/87 laying down detailed rules for applying Regulation (EEC) No 777/87 as regards the buying-in of intervention butter. The Commission was entitled to find that the conditions for resuming those arrangements were not satisfied, by calculating the relationship between the market price of butter and the intervention price in figures accurate to two decimal places and by taking into account quantities accepted under the tendering procedure, whether or not the intervention agencies had put them into store, when calculating the actual stocks of butter held by those agencies.
2. The Community incurs liability under the second paragraph of Article 215 of the Treaty only where the wrongfulness of the conduct alleged against the institutions, the fact of the damage and the existence of a causal link between that conduct and the alleged damage are established.