

Case T-244/00

Coillte Teoranta

v

Commission of the European Communities

(Agriculture — Refusal to recognise as chargeable to the EAGGF expenditure
resulting from irregularities in the application of Community rules —
Action by the recipient of the aid — Manifest inadmissibility)

Order of the Court of First Instance (Third Chamber), 25 April 2001 . . . II-1277

Summary of the Order

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision refusing to recognise as chargeable to the EAGGF aid unlawfully granted by the national authorities — Action by a recipient of the aid — Inadmissible

(Art. 230, fourth para., EC)

An economic operator is not directly concerned for the purposes of the fourth paragraph of Article 230 EC by a Commission decision, addressed to the Member States, excluding from Community financing, on the ground of failure to comply with the Community rules, various items of expenditure on the part of the national accredited paying agencies which were declared under the EAGGF, including those relating to the aid paid to that operator. That decision concerns only the financial relations between the EAGGF and the Member States, since no provision of that decision requires the national bodies concerned to recover the sums indicated from their recipients. The proper execution of the decision requires only that the Member State concerned refund to the EAGGF the sums corresponding to the expenditure excluded from Community financing.

In those circumstances, reimbursement of the Community aid paid to that operator for the financial years concerned would be the direct consequence, not of that decision, but of the action which would be taken for that purpose by the competent authorities on the basis of their national legislation in order to fulfil obligations under the Community rules on the subject. In that regard, it cannot be excluded that particular circumstances may lead the national authorities concerned to decide not to claim repayment of the aid granted from the recipient and themselves to bear the burden of reimbursing to the EAGGF the sums which they had wrongly considered themselves authorised to pay.

(see paras 45, 47-48)