

## Case T-209/04

**Kingdom of Spain**

**v**

**Commission of the European Communities**

(Fisheries policy — Detailed rules and arrangements regarding Community structural assistance in the fisheries sector — Request for authorisation for the establishment of joint enterprises — Failure by the Commission to take a decision — Action for failure to act — Action manifestly unfounded)

Order of the Court of First Instance (Third Chamber), 10 January 2005 . . . II - 31

Summary of the Order

*Actions for failure to act — Notice given to the institution — Subsequent submission of new material liable to influence the assessment of the institution concerned — Removal of the obligation to act*

*(Art. 232 EC)*

The submission by the applicant, after the request to act, of new material that was liable to influence the defendant's assessment removed the obligation to act, since the institution was not reasonably in a position to take a decision on the requests for

exemption submitted to it owing to the submission of that new material.

(see para. 43)