



Reports of Cases

Order of the General Court (Seventh Chamber) of 7 January 2013 — *Alfastar Benelux v Council*

(Case T-274/12)

(Actions for failure to act — Action devoid of purpose — No need to adjudicate — Actions for damages — Action manifestly lacking any foundation in law)

1. *Actions for failure to act — Omission repaired after commencement of proceedings — Subject matter of the action ceases to exist — No need to adjudicate (Art. 266 TFEU) (see para. 16)*
2. *Non-contractual liability — Conditions — Causal link — Failure of an institution to comply with a judgment annulling one of its measures — Annulled measure not producing prejudicial effects warranting an order for compensation — No liability (Art. 340, second para., TFEU) (see paras 22-29)*

Re:

APPLICATION for a declaration that the Council has failed to fulfil its obligations under Article 266 TFEU in failing to take the measures necessary to comply with the judgment of the General Court of the European Union of 20 October 2011 in Case T-57/09 *Alfastar Benelux v Council*, not published in the ECR, and, in addition, a claim for damages under Article 340 TFEU.

Operative part

1. There is no longer any need to adjudicate on the application for a declaration of failure to act, brought by Alfastar Benelux SA.
2. The claim for damages brought by Alfastar Benelux is dismissed as manifestly lacking any foundation in law.

3. Alfastar Benelux is ordered to bear 50% of its own costs and pay 50% of the costs incurred by the Council of the European Union. The Council is ordered bear 50% of its own costs and pay 50% of the costs incurred by Alfastar Benelux.