

COURT OF FIRST INSTANCE

Order of the Court of First Instance of 5 December 2007 — Schering-Plough Ltd v Commission and EMEA

(Case T-133/03) ⁽¹⁾

(Action for annulment — Partial inadmissibility — Interest in bringing proceedings — Application devoid of purpose — No need to adjudicate)

(2008/C 37/32)

Language of the case: English

Parties

Applicant: Schering-Plough Ltd (Brussels, Belgium) (represented by: G. Berrisch and P. Bogaert, lawyers)

Defendants: Commission of the European Communities (represented by: H. Støvlbæk and M. Shotter, acting as Agents) European Agency for the Evaluation of Medicinal Products (EMA), (Geneva, Switzerland) (represented by: initially by N. Khan, acting as Agent, and C. Sherliker, solicitor, and subsequently by C. Sherliker, solicitor, and T. Eicke, Barrister)

Intervener in support of the applicant: European Federation of Pharmaceutical Industries and Associations (EFPIA), established in Geneva (Switzerland), (represented by: N. Rampal, U. Zinsmeister and D. Waelbroeck, lawyers)

Re:

Action for the annulment of the EMA measure of 14 February 2003 refusing a 'Type 1' variation of the name of the pharmaceutical form 'oral lyophilisat' from 'Allex 5 mg oral lyophilisat' to 'Allex Reditabs 5 mg oral lyophilisat'.

Operative part of the order

1. *The action is dismissed as inadmissible in so far as it is directed against the European Agency for the Evaluation of Medicinal Products (EMA).*
2. *There is no longer any need to adjudicate on the action in so far as it is directed against the Commission.*
3. *The EMA shall bear its own costs.*

4. *Schering-Plough Ltd shall pay, in addition to its own costs, the costs incurred by the Commission.*

⁽¹⁾ OJ C 171, 19.7.2003.

Order of the President of the Court of First Instance of 22 November 2007 — V v Parliament

(Case T-345/05 R III)

(Application for interim measures — Waiver of immunity of a Member of the European Parliament — Application for suspension of operation — No prima facie case)

(2008/C 37/33)

Language of the case: English

Parties

Applicant: V (represented by: J Lofthouse, C Hayes and M Monan, lawyers)

Defendant: European Parliament (represented by: H Krück, D Moore and M Windisch, agents)

Re:

Application for re-examination of the applicant's first and second applications for interim measures, dismissed by orders of the President of the Court of First Instance on 16 March 2007 and 27 June 2007 in Case T-345/05 R and T-345/05 R II, V v Parliament, not published in the ECR

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*