

**Order of the Court of First Instance of 2 September 2009  
— E.ON Ruhrgas and E.ON Földgáz Trade v Commission**

(Case T-57/07) <sup>(1)</sup>

**(Action for annulment — Competition — Concentrations — Decision declaring the concentration compatible with the common market — Commitments — Commission letters regarding the commitments — Non-actionable measures — Inadmissibility)**

(2009/C 267/114)

Language of the case: English

**Parties**

*Applicants:* E.ON Ruhrgas International AG (Essen, Germany); and E.ON Földgáz Trade Zrt (Budapest, Hungary) (represented by: G. Wiedemann and T. Lübbig, lawyers)

*Defendant:* Commission of the European Communities (represented by: A. Bouquet and V. Di Bucci, Agents)

**Re:**

APPLICATION for annulment of the decisions allegedly contained in the Commission's letters of 19 December 2006 and 16 January 2007 concerning the commitments entered into by E.ON Ruhrgas International AG referred to in Article 3 of the Commission Decision of 21 December 2005 declaring a concentration to be compatible with the common market and the EEA Agreement (Case No COMP/M.3696 — E.ON/MOL).

**Operative part of the order**

The Court:

1. Dismisses the action as inadmissible;
2. Orders E.ON Ruhrgas International AG and E.ON Földgáz Trade Zrt to bear their own costs and to pay those incurred by the Commission of the European Communities.

<sup>(1)</sup> OJ C 95, 28.4.2007.

**Order of the Court of First Instance of 4 September 2009  
— Pioneer Hi-Bred International v Commission**

(Case T-139/07) <sup>(1)</sup>

**(Approximation of laws — Deliberate release into the environment of genetically modified organisms — Authorisation procedure for placing on the market — Failure by the Commission to submit draft measures to the regulatory committee — Action for failure to act — Action which becomes devoid of purpose in the course of proceedings — No need to adjudicate)**

(2009/C 267/115)

Language of the case: English

**Parties**

*Applicant:* Pioneer Hi-Bred International, Inc. (Iowa, United States) (represented by: J. Temple Lang, Solicitor)

*Defendant:* Commission of the European Communities (represented initially by: D. Lawunmi and C. Zadra, and subsequently by P. Oliver and C. Zadra, acting as Agents)

**Re:**

Application for a declaration under Article 232 EC that, by failing to submit to the regulatory committee, in accordance with Article 5(2) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ 1999 L 184, p. 23), a draft of the measures to be taken with regard to the notification by the applicant relating to the placing on the market of genetically modified maize 1507, the Commission has failed to fulfil its obligations under Article 18(1) of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ 2001 L 106, p. 1).

**Operative part of the order**

1. There is no need to adjudicate in the present action.
2. The Commission of the European Communities shall bear its own costs and pay those incurred by Pioneer Hi-Bred International Inc.

<sup>(1)</sup> OJ C 155, 7.7.2007.

**Order of the Court of First Instance of 7 September 2009  
— LPN v Commission**

(Case T-186/08) <sup>(1)</sup>

**(Action for annulment and damages — Environment — Directive 92/43/EEC — Decision to take no further action on a complaint — Failure to bring an action for failure to fulfil obligations — Access to documents — Regulation (EC) No 1049/2001 — Manifest inadmissibility — No need to adjudicate)**

(2009/C 267/116)

Language of the case: Portuguese

**Parties**

*Applicant:* Liga para a Protecção da Natureza (LPN) (Lisbon, Portugal) (represented by: P. Vinagre e Silva, lawyer)

*Defendant:* Commission of the European Communities (represented by: P. Costa de Oliveira and D. Recchia, Agents)

*Intervener in support of the defendant:* Portuguese Republic (represented by: L. Inez Fernandes, T. Moreira and A. de Oliveira Mendonça, Agents, and by D. Abecasis and A. Marques, lawyers)