

3. *The European Commission shall bear its own costs.*

(¹) OJ C 330, 24.12.2005.

Order of the General Court of 2 September 2010 — Spitzer v OHIM — Homeland Housewares (Magic Butler)

(Case T-123/08) (¹)

(Action for annulment — Applicant's failure to act — No need to adjudicate)

(2010/C 301/48)

Language of the case: German

Parties

Applicant: Harald Spitzer (Hörsching, Austria) (represented by: T. H. Schmitz, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Homeland Housewares LLC (Los Angeles, California, United States)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 January 2008 (Case R 1508/2006-1), concerning opposition proceedings between Homeland Housewares LLC and Harald Spitzer.

Operative part of the order

1. *There is no need to adjudicate on this action;*
2. *Mr Harald Spitzer is ordered to pay the costs.*

(¹) OJ C 116, 9.5.2008.

Order of the General Court of 7 September 2010 — Norilsk Nickel Harjavalta and Umicore v Commission

(Case T-532/08) (¹)

(Actions for annulment — Environment and protection of human health — Classification, packaging and labelling of certain nickel carbonate compounds as dangerous substances — Directive 2008/58/EC — Directive 67/548/EEC — Regulation (EC) No 790/2009 — Regulation (EC) No 1272/2008 — Amendment of form of order sought — Temporal application of the fourth paragraph of Article 263 TFEU — No individual concern — Inadmissibility)

(2010/C 301/49)

Language of the case: English

Parties

Applicants: Norilsk Nickel Harjavalta Oy (Espoo, Finland) and Umicore SA/NV (Brussels, Belgium) (represented by: K. Nordlander, lawyer)

Defendant: European Commission (represented by: P. Oliver and D. Kukovec, Agents)

Intervener in support of the applicants: Nickel Institute (Toronto, Canada) (represented by: K. Nordlander, lawyer, D. Anderson QC, S. Kinsella and H. Pearson, Solicitors)

Intervener in support of the defendant: Kingdom of Denmark (represented by: B. Weis Fogh, Agent)

Re:

Application for the partial annulment of Commission Directive 2008/58/EC of 21 August 2008 amending, for the purpose of its adaptation to technical progress, for the 30th time, Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 2008 L 246, p. 1) and of Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ 2009 L 235, p. 1), in so far as they amend the classification of certain nickel carbonate compounds

Operative part of the order

1. *The application is dismissed as inadmissible.*
2. *Norilsk Nickel Harjavalta Oy and Umicore SA/NV are to bear their own costs and to pay the costs of the European Commission.*