

3. *The Kingdom of Denmark and the Nickel Institute are to bear their own costs.*

(¹) OJ C 44, 21.2.2009.

**Order of the General Court of 7 September 2010 —
Etimine and Etiproducts v Commission**

(Case T-539/08) (¹)

(Actions for annulment — Environment and protection of human health — Classification, packaging and labelling of certain borates 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 301/50)

Language of the case: English

Parties

Applicants: Etimine SA (Bettembourg, Luxembourg), and Ab Etiproducts Oy, (Espoo, Finland) (represented by: C. Mereu and K. Van Maldegem, lawyers)

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

Intervener in support of the applicants: Borax Europe Ltd (London, United Kingdom) (represented by: K. Nordlander, lawyer, and S. Kinsella, Solicitor)

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 borates

Operative part of the order

1. *The application is dismissed as inadmissible.*
2. *Etimine SA and Ab Etiproducts Oy are to bear their own costs and to pay the costs of the European Commission.*
3. *The Kingdom of Denmark and Borax Europe Ltd are to bear their own costs.*

(¹) OJ C 44, 21.2.2009.

**Order of the General Court of 9 September 2010 —
Phoenix-Reisen and DRV v Commission**

(Case T-120/09) (¹)

(State aid — Subsidy provided for by German law for insolvent companies — Complaint for alleged breach of Community law — Rejection of the complaint — Adoption of a later decision — No need to adjudicate)

(2010/C 301/51)

Language of the case: German

Parties

Applicants: Phoenix-Reisen GmbH (Bonn, Germany) and Deutscher Reiseverband eV (DRV) (Berlin, Germany) (represented by: R. Gerharz and A. Funke, lawyers)

Defendant: European Commission (represented by: L. Flynn and B. Martenczuk, Agents)

Intervener in support of the defendant: Federal Republic of Germany (represented by J. Möller and B. Klein, Agents)

Re:

Application for annulment of the Commission's letter of 13 February 2009 in which it states its intention not to take action against the Federal Republic of Germany for alleged State aid paid by means of insolvency benefit payments.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *There is no longer any need to adjudicate on the application for joinder of the present case with case T-58/10 lodged by the applicants.*
3. *Each party is to bear its own costs.*

(¹) OJ C 297, 5.12.2009.