

Re:

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 31 March 2009 in Case F-146/07 *Marcuccio v Commission*, not yet published in the ECR, seeking annulment of that order.

Operative part of the order

1. *The appeal is dismissed.*
2. *Mr Luigi Marcuccio shall bear his own costs and pay those incurred by the European Commission in the present proceedings.*

(¹) OJ C 193, 15.8.2009.

Order of the President of the General Court of 2 March 2011 — 1. garantovaná v Commission

(Case T-392/09 R)

(Application for interim measures — Competition — Commission Decision imposing a fine — Bank guarantee — Application for suspension of operation of a measure — Prima facie case — Financial loss — Exceptional circumstances — Urgency — Balance of interests — Partial and conditional suspension)

(2011/C 152/36)

Language of the case: English

Parties

Applicant: 1. garantovaná a.s. (Bratislava, Slovakia) (represented: initially by M. Powell, Solicitor, A. Sutton and G. Forwood, Barristers, and subsequently by M. Powell and G. Forwood)

Defendant: European Commission (represented by: J. Bourke and N. von Lingen, Agents)

Re:

Application for suspension of operation of Commission Decision C(2009) 5791 final of 22 July 2009, relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries).

Operative part of the order

1. *The application for leave to intervene, lodged by Messrs Jaroslav Červenka, Milan Hošek, Roman Murar, Adrián Vološin, Milan Kasanický and Peter Fratič, is dismissed.*
2. *The obligation on the applicant, 1. garantovaná a.s., to provide the European Commission with a bank guarantee in order to avoid immediate recovery of the fine imposed on it by Article 2 of*

Commission Decision C(2009) 5791 final of 22 July 2009, relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries) is suspended until the earlier of the following two events occurs:

- *maturing of the long-term loans on 11 July 2012,*
- *delivery of the judgment bringing the main proceedings to an end,*

provided that:

- *from notification of this order, the applicant does not transfer, either directly or indirectly, its shares in its subsidiary G1 Investments Ltd without the Commission's prior authorisation;*
- *within a period of one month from notification of this order, the applicant provides to the President of the General Court a written agreement pursuant to which neither its subsidiary G1 Investments nor G1 Investments' subsidiary, Bounty Commodities Ltd, may transfer their assets to a third party without the Commission's prior authorisation;*
- *upon notification of this order, the applicant pays to the Commission the sum of EUR 2.1 million;*
- *within a period of one month from notification of this order, then every three months until delivery of judgment in the main action, and upon every event which might have an effect on its future ability to pay the fine imposed, the applicant provides the Commission with a written report on the development of its assets, and more specifically its long-term investments.*

3. *Costs are reserved.*

Order of the General Court of 25 March 2011 — Noko Ngele v Commission and Others

(Case T-15/10) (¹)

(Non-contractual liability — Action brought in part before a court which has no jurisdiction — Action inadmissible in part — Absence of causal link — Action in part manifestly devoid of any basis in law — Articles 111 and 114 of the Rules of Procedure of the General Court)

(2011/C 152/37)

Language of the case: French

Parties

Applicant: Mariyus Noko Ngele (Brussels, Belgium) (represented by: F. Sabakunzi, lawyer)

Defendants: European Commission (represented by: A. Bordes, agent), AT (Brussels, Belgium) AU (Brussels), AV (Brussels) and AW (Brussels)