

Re:

Action for damages for the loss allegedly suffered by the applicant as a result of the impossibility of pursuing recovery of a debt owed to him and the non-material damage allegedly suffered by the applicant as a result of criminal proceedings instigated against him in Belgium

Operative part of the order

1. *The action is dismissed on the basis that it has been brought before a court that has no jurisdiction to hear it, in so far as it is directed against AT, AU, AV and AW.*
2. *Mr Mariyus Noko Ngele's head of claim seeking from the Court a declaration that the Centre pour le développement des entreprises (CDE) never replaced the Centre pour le développement industriel (CDI) and that the CDE does not exist in law or have legal personality in Belgium is dismissed on the basis that it is made before a court that has no jurisdiction to hear it.*
3. *Mr Noko Ngele's claim that the Court should order that the judgment to be delivered is enforceable is rejected as inadmissible.*
4. *The action is dismissed as to the remainder as manifestly devoid of any basis in law.*
5. *Mr Noko Ngele is ordered to pay the costs of the present proceedings and those of the proceedings for interim measures.*

(¹) OJ C 161, 19.6.2010.

**Order of the General Court of 24 March 2011 —
Internationaler Hilfsfonds v Commission**

(Case T-36/10) (¹)

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the LIEN 97-2011 contract — Response to an initial request — Period allowed for bringing proceedings — Manifestly inadmissible — Implied refusal of access — Interest in bringing proceedings — Explicit decision adopted after the action was brought — No need to adjudicate)

(2011/C 152/38)

Language of the case: German

Parties

Applicant: Internationaler Hilfsfonds eV (Rosbach, Germany) (represented by: initially, H. Kaltenecker, subsequently R. Böhm, and lastly H. Kaltenecker, lawyers)

Defendant: European Commission (represented by: P. Costa de Oliveira and T. Scharf, agents)

Intervener in support of the applicant: Kingdom of Denmark (represented by: initially B. Weis Fogh and V. Pasternak Jørgensen and,

subsequently, V. Pasternak Jørgensen, C. Yang and S. Juul Jørgensen, agents)

Re:

Action for annulment of the Commission's decisions of 9 October 2009 and 1 December 2009 refusing Internationaler Hilfsfonds full access to the file relating to the LIEN 97-2011 contract.

Operative part of the order

1. *In so far as it is directed against the Commission's decision of 9 October 2009, the action for annulment is dismissed as inadmissible.*
2. *There is no longer any need to adjudicate on the heads of claim in the action brought by Internationaler Hilfsfonds eV for annulment of the implied decision of the European Commission rejecting its request of 15 October 2009 for access to documents relating to the LIEN 97-2011 contract.*
3. *Internationaler Hilfsfonds shall bear its own costs and pay those incurred by the Commission relating to the heads of claim for annulment, in so far as they are directed against the Commission's decision of 9 October 2009.*
4. *The Commission shall bear its own costs and pay those incurred by Internationaler Hilfsfonds relating to the heads of claim for annulment, in so far as they are directed against the Commission's decision of 1 December 2009.*
5. *The Kingdom of Denmark shall bear its own costs.*

(¹) OJ C 100, 17.4.2010.

**Order of the President of the General Court of 8 April
2011 — Xeda International v Commission**

(Case T-71/10 R)

(Application for interim measures — Directive 91/414/EEC — Decision concerning the non-inclusion of diphenylamine in Annex I to Directive 91/414 — Application for suspension of operation of a measure — Lack of urgency)

(2011/C 152/39)

Language of the case: English

Parties

Applicant: Xeda International SA (Saint-Andiol, France) (represented by: C. Mereu, K. Van Maldegem, lawyers, and P. Sellar, Solicitor)

Defendant: European Commission (represented by: D. Bianchi and L. Parpala, Agents, assisted by J. Stuyck, lawyer)