



C/2024/2314

2.4.2024

Order of the General Court of 7 February 2024 — Neuraxpharm Pharmaceuticals v Commission

(Case T-226/23) ⁽¹⁾

(Action for annulment — Medicinal products for human use — Marketing authorisation for the medicinal product Dimethyl fumarate Neuraxpharm — dimethyl fumarate — Letter of the Commission drawing conclusions from a judgment of the Court of Justice — Measure not actionable — Inadmissibility — Hypothetical acts — Manifest inadmissibility)

(C/2024/2314)

Language of the case: English

Parties

Applicant: Neuraxpharm Pharmaceuticals SL (Barcelona, Spain) (represented by: K. Roox, T. De Meese, J. Stuyck, M. Van Nieuwenborgh and C. Dumont, lawyers)

Defendant: European Commission (represented by: C. Valero and E. Mathieu, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision contained in the letter of the European Commission of 17 March 2023, with reference SANTE.DDG1.B.5/AL/mmc (2023) 2915367, concerning the interpretation and the consequences of the judgment of 16 March 2023, *Commission and Others v Pharmaceutical Works Polpharma* (C-438/21 P to C-440/21 P, EU:C:2023:213).

Operative part of the order

1. The action is dismissed as inadmissible in so far as it is directed against the decision contained in the letter of the European Commission of 17 March 2023, with reference SANTE.DDG1.B.5/AL/mmc (2023) 2915367, concerning the interpretation and consequences of the judgment of 16 March 2023, *Commission and Others v Pharmaceutical Works Polpharma* (C-438/21 P to C-440/21 P, EU:C:2023:213).
2. The action is dismissed as manifestly inadmissible in so far as it is directed against any decisions taken after the decision contained in the letter of the European Commission of 17 March 2023, with reference SANTE.DDG1.B.5/AL/mmc (2023) 2915367, concerning the interpretation and the consequences of the judgment of 16 March 2023, *Commission and Others v Pharmaceutical Works Polpharma* (C-438/21 P to C-440/21 P, EU:C:2023:213), to the extent that they perpetuate and/or replace that decision, including any follow-up regulatory actions, in so far as they relate to the applicant.
3. Neuraxpharm Pharmaceuticals SL shall bear its own costs and pay those incurred by the European Commission, including the costs relating to the interim proceedings.

⁽¹⁾ OJ C 235, 3.7.2023.