

**Order of the Court of First Instance (Second Chamber) of 25 June 2008 —
VDH Projektentwicklung and Edeka Rhein-Ruhr v Commission**

(Case T-185/08)

(Actions for failure to act — Commission not implementing the
corrective mechanism under Article 3(2) of Directive 89/665/
EEC — Natural and legal persons — Measures of direct and
individual concern to them — Manifest inadmissibility)

*Actions for failure to act — Natural or legal persons — Measures of direct and
individual concern to them — Directive 89/665 (Arts 230, fourth para., EC and 232,
third para., EC; Council Directive 89/665, Art. 3) (see paras 9-17)*

Re:

ACTION for a declaration that the Commission unlawfully failed to act in that it failed, in relation to the conclusion of a public works contract between the town of Stolberg and Kaufland Stiftung & Co., and in relation to the award of a general commercial contract by Kaufland Stiftung & Co., to implement without delay the corrective mechanism provided for under Article 3 of Directive 89/665/EEC and to send the Federal Republic of Germany a notification under Article 3(2) of that directive.

Operative part

The Court:

1. Dismisses the action as manifestly inadmissible;
2. Orders the applicants to bear their own costs.