

Order of the Court of 15 April 2010 — Makhteshim-Agan Holding BV, Alfa Agricultural Supplies SA, Aragonesas Agro, SA v European Commission, Bayer CropScience AG, European Crop Protection Association (ECPA), Kingdom of Spain

(Case C-517/08 P) ⁽¹⁾

(Appeal — Directive 91/414/EEC — Non-inclusion of endosulfan in Annex I to that directive — Withdrawal of marketing authorisations — Appeal manifestly unfounded)

(2010/C 234/24)

Language of the case: English

Parties

Appellants: Makhteshim-Agan Holding BV, Alfa Agricultural Supplies SA, Aragonesas Agro, SA (represented by: C. Mereu and K. Van Maldegem, avocats)

Other parties to the proceedings: European Commission, Bayer CropScience AG, European Crop Protection Association (ECPA) (represented by: L. Parpala and N.B. Rasmussen, acting as Agents, C. Mereu, avocat, K. Van Maldegem, avocat, D. Waelbroeck, avocat and N. Rampal, avocate), Kingdom of Spain

Re:

Appeal brought against the judgment of the Court of First Instance (Fourth Chamber) delivered on 9 September 2008 in Case T-75/06 *Bayer CropScience AG and Others v Commission* by which the Court of First Instance dismissed an action for the annulment of Commission Decision C(2005) 864 of 2 December 2005 concerning the non-inclusion of endosulfan in Annex I to Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that active substance [notified under No C(2005) 4611] (OJ 2005 L 317, p. 25)

Operative part of the order

1. *The appeal is dismissed.*
2. *Makhteshim-Agan Holding BV, Alfa Agricultural Supplies SA and Aragonesas Agro SA are ordered to pay the costs.*
3. *European Crop Protection Association (ECPA) shall bear its own costs.*

⁽¹⁾ OJ C 19, 24.1.2009.

Order of the Court of 22 March 2010 — Société des plantations de Mbanga SA (SPM) v Council of the European Union, European Commission

(Case C-39/09 P) ⁽¹⁾

(Appeal — Article 119 of the Rules of Procedure of the Court of Justice — Non-contractual liability of the Community — Common organisation of the banana market — Arrangements for importing bananas originating in ACP countries into the Community — Loss allegedly suffered by an independent producer — Failure to comply with the rules on competition in the field of the common agricultural policy — Infringement of general principles of law and, in particular, of the principle of sound administration — Appeal manifestly inadmissible or manifestly unfounded)

(2010/C 234/25)

Language of the case: French

Parties

Appellant: Société des plantations de Mbanga SA (SPM) (represented by: A. Farache, avocat)

Other parties to the proceedings: Council of the European Union (represented by: A. De Gregorio Merino, E. Sitbon, Agents), European Commission (represented by: F. Clotuche-Duviousart, Agent)

Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber) of 13 November 2008 in Case T-128/05 *SPM v Council and Commission*, by which the Court dismissed the appellant's action seeking damages for the loss which it suffered as a result of the allegedly illegal rules adopted by the Council and the Commission on the import of bananas into the Community — Bananas originating in ACP countries — Loss allegedly suffered by an independent producer — Failure to comply with the rules on competition in the field of the common agricultural policy — Infringement of general principles of law and, in particular, of the principle of sound administration

Operative part of the order

1. *The appeal is dismissed.*
2. *Société des plantations de Mbanga SA (SPM) shall pay the costs.*

⁽¹⁾ OJ C 90, 18.4.2009