

GENERAL COURT

Order of the General Court of 30 June 2011 — Tecnoprocess v Commission and EU Delegation to the Kingdom of Morocco

(Case T-264/09) ⁽¹⁾

(Action for failure to act — Invitation to act — Inadmissibility — Action for damages — Causal link — Loss — Action manifestly lacking any foundation in law)

(2011/C 282/30)

Language of the case: Italian

Parties

Applicant: Technoprocess Srl (Rome, Italy) (represented by: A. Majoli, lawyer)

Defendants: European Commission (represented by: A. Bordes and L. Prete, Agents); and EU Delegation to the Kingdom of Morocco

Re:

APPLICATION firstly, for a declaration that the European Commission and the EU Delegation to the Kingdom of Morocco have failed to act and secondly, for damages to compensate for the loss allegedly suffered as a result of, inter alia, that failure to act.

Operative part of the order

1. *The action is dismissed as in part inadmissible and in part manifestly without foundation in law.*
2. *Technoprocess Srl is ordered to pay the costs.*

⁽¹⁾ OJ C 220, 12.9.2009.

Order of the General Court of 4 July 2011 — Sepracor Pharmaceuticals v Commission

(Case T-275/09) ⁽¹⁾

(Action for annulment — Medicinal products for human use — Active substance eszopiclone — Marketing authorisation — Refusal of recognition as a new active substance — Act not amenable to review — Inadmissibility)

(2011/C 282/31)

Language of the case: English

Parties

Applicant: Sepracor Pharmaceuticals (Ireland) Ltd (Dublin, Ireland) (represented by: I. Dodds-Smith, Solicitor, D. Anderson QC, and J. Stratford, Barrister)

Defendant: European Commission (represented by: A. Sipos, and subsequently by M. Wilderspin and M. Šimerdová, Agents)

Re:

ACTION for annulment of the decision in the letter of the Commission addressed to the applicant on 6 May 2009 in the context of the procedure for authorising the placing on the market of Lunivia, inasmuch as it concerns classification of the active substance eszopiclone

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Sepracor Pharmaceuticals (Ireland) Ltd shall pay the costs.*

⁽¹⁾ OJ C 220, 12.9.2009.

Order of the General Court of 7 July 2011 — Acetificio Marcello de Nigris v Commission

(Case T-351/09) ⁽¹⁾

(Action for annulment — Registration of a protected geographical indication — Lack of individual concern — Inadmissibility)

(2011/C 282/32)

Language of the case: Italian

Parties

Applicant: Acetificio Marcello de Nigris Srl (Afragola, Italy) (represented by: P. Perani and P. Pozzi, lawyers)

Defendant: European Commission (represented by: P. Rossi and B. Rasmussen, acting as Agents)

Intervener in support of the defendant: Italian Republic (represented by: G. Palmieri and S. Fiorentino, lawyers)

Re:

Application for annulment of Commission Regulation (EC) No 583/2009 of 3 July 2009 entering a name in the register of protected designations of origin and protected geographical indications [Aceto Balsamico di Modena (PGI)] (OJ 2009 L 175, p. 7)

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *There is no need to adjudicate on the application for leave to intervene of Consorzio Filiera Aceto Balsamico di Modena.*

3. *Acetificio Marcello de Nigris Srl shall bear its own costs and pay those incurred by the European Commission.*

4. *The Italian Republic and Consorzio Filiera Aceto Balsamico di Modena shall bear their own costs.*

(¹) OJ C 256, 24.10.2009.

**Order of the General Court of 30 June 2011 —
Tecnoprocess v Commission**

(Case T-367/09) (¹)

(Action for failure to act — Request to act — Manifest inadmissibility — Action for damages — Causal link — Action manifestly lacking any foundation in law)

(2011/C 282/33)

Language of the case: Italian

Parties

Applicant: Tecnoprocess Srl (Rome, Italy) (represented by: A. Majoli, lawyer)

Defendant: European Commission (represented by: L. Prete and A. Bordes, acting as Agents)

Re:

Action, first, for a declaration that the European Commission and the European Union delegation to Nigeria have failed to act and, secondly, for compensation for damage allegedly suffered as a result of that failure to act

Operative part of the order

1. *The action is dismissed in part as inadmissible and in part as manifestly lacking any foundation in law.*
2. *Tecnoprocess Srl shall pay the costs.*

(¹) OJ C 267, 7.11.2009.

**Order of the General Court of 30 June 2011 —
Tecnoprocess v Commission**

(Case T-403/09) (¹)

(Action for damages — Unjust enrichment — Application initiating proceedings — Formal requirements — Inadmissibility)

(2011/C 282/34)

Language of the case: Italian

Parties

Applicant: Tecnoprocess Srl (Rome, Italy) (represented by: A. Majoli, lawyer)

Defendant: European Commission (represented by: A. Bordes and L. Prete, Agents)

Re:

Application, first, for a declaration that the European Commission and the delegations of the European Union to Morocco and Nigeria have been unjustly enriched and, second, for an order that the Commission pay the sum of EUR 114 069,94 and the interest due on that sum.

Operative part of the order

1. *The application is dismissed as inadmissible.*
2. *Tecnoprocess Srl is ordered to pay the costs.*

(¹) OJ C 297, 5.12.2009.

**Order of the General Court of 28 June 2011 — van Arum
v Parliament**

(Case T-454/09 P) (¹)

(Appeals — Staff Cases — Officials — Reports — Staff report — Reporting exercise for 2005 — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2011/C 282/35)

Language of the case: Dutch

Parties

Appellant: Rinse van Arum (Winksele, Belgium) (represented by: W. van den Muijsenbergh, lawyer)

Other party to the proceedings: European Parliament (represented by: J. F. de Wachter, K. Zejdová et R. Ignătescu, Agents)

Re:

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 10 September 2009 in Case F-139/07 *van Arum v Parliament* ECR-SC I-A-1-0000 and II-A-1-0000, seeking to have that judgment set aside.

Operative part of the order

1. *The appeal is dismissed.*
2. *Mr Rinse van Arum is ordered to bear his own costs and to pay those incurred by the European Parliament in these proceedings.*

(¹) OJ C 37, 13.2.2010.