

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *Cross Czech a.s. is to bear its own costs and to pay those of the European Commission, including the costs incurred in the proceedings for interim relief.*

(<sup>1</sup>) OJ C 209, 31.7.2010.

**Order of the General Court of 15 July 2011 — Marcuccio v Commission**

(Case T-366/10 P) (<sup>1</sup>)

*(Appeal — Civil service — Officials — Non-contractual liability — Reimbursement of recoverable costs — Exception for parallel proceedings — Procedural defects — Rights of the defence — Appeal partly manifestly inadmissible and partly manifestly unfounded)*

(2011/C 282/39)

Language of the case: Italian

**Parties**

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Other party to the proceedings: European Commission (represented by: J. Curral and C. Berardis-Kayser, agents, assisted by A. Dal Ferro, lawyer)

**Re:**

Appeal brought against the order of the Civil Service Tribunal of the European Union (First Chamber) of 22 June 2010 in Case F-78/09 *Marcuccio v Commission*, not yet published in the ECR, and seeking to annul that order.

**Operative part of the order**

1. *The appeal is dismissed;*
2. *Mr Luigi Marcuccio is to bear his own costs and those incurred by the European Commission in the present proceedings.*

(<sup>1</sup>) OJ C 288, 23.10.2010.

**Order of the President of the General Court of 13 April 2011 — Westfälische Drahtindustrie and Others v Commission**

(Case T-393/10 R)

*(Application for interim measures — Competition — Decision of the Commission imposing a fine — Bank guarantee — Application to suspend operation)*

(2011/C 282/40)

Language of the case: German

**Parties**

Applicants: Westfälische Drahtindustrie GmbH (Hamm, Germany); Westfälische Drahtindustrie Verwaltungsgesellschaft

mbH & Co KG (Hamm); and Pampus Industriebeteiligungen GmbH & Co KG (Iserlohn, Germany) (represented by: C. Stadler and N. Tkatchenko, lawyers)

Defendant: European Commission (represented by: V. Bottka, R. Sauer and C. Hödlmayr, agents, assisted by R. van der Hout, lawyer)

**Re:**

Application to suspend the operation of Commission Decision C(2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/38.344 — Pre-stressing steel), as amended by Commission Decision C(2010) 6676 final of 30 September 2010, in so far as a fine was thereby imposed on the applicants.

**Operative part of the order**

1. *The obligation of Westfälische Drahtindustrie GmbH, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG and Pampus Industriebeteiligungen GmbH & Co. KG to provide the Commission with a bank guarantee in order to avoid immediate collection of the fines imposed on them under Article 2(1) of Commission Decision C(2010) 4387 final of 30 June 2010 in a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/38.344 — Pre-stressing steel) as amended by Commission Decision C(2010) 6676 final of 30 September 2010, is suspended under the following conditions*

(a) *by 30 June 2011, Westfälische Drahtindustrie GmbH, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG and Pampus Industriebeteiligungen GmbH & Co. KG shall pay the Commission the sum of EUR [confidential] million;*

(b) *from 15 July 2011 until further notice they shall pay to the Commission monthly instalments of EUR 300 000 (on the 15th of each month), but not beyond delivery of judgment in the main proceedings.*

2. *The costs are reserved.*

**Order of the President of the General Court of 15 July 2011 — Fapricela v Commission**

(Case T-398/10 R)

*(Application for interim measures — Competition — Decision of the Commission imposing a fine — Bank guarantee — Application to suspend operation — Financial damage — Lack of exceptional circumstances — Lack of urgency)*

(2011/C 282/41)

Language of the case: Portuguese

**Parties**

Applicant: Fapricela — Indústria de Trefilaria, SA (Ançã, Portugal) (represented by: M. Gorjão-Henriques and S. Roux, lawyers)