

**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)

*Defendant:* European Commission (represented by: F. Castillo de la Torre, P. Costa de Oliveira and V. Bottka, agents, assisted by M. Marques Mendes, 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), inter alia in so far as it imposes the obligation to set up a bank guarantee in order to avoid immediate recovery of the fine imposed under Article 2 of that decision.

**Operative part of the order**

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

**Order of the General Court of 18 July 2011 — Marcuccio v Commission**

(Case T-450/10 P) <sup>(1)</sup>

***(Appeal — Civil service — Officials — Reasonable period of time within which to bring a damages claim — Lateness — Appeal partly manifestly inadmissible and partly manifestly unfounded)***

(2011/C 282/42)

*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. Currall 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 9 July 2010 in Case F-91/09 *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 317, 20.11.2010.

**Order of the General Court of 21 July 2011 — Fuchshuber Agrarhandel v Commission**

(Case T-451/10) <sup>(1)</sup>

***(Action for damages — Common agricultural policy — Standing invitations to tender for the purchase of cereals on the Community market — Commission's supervisory power — Sufficiently serious breach of a rule of law conferring rights on individuals — Action obviously lacking any basis in law)***

(2011/C 282/43)

*Language of the case: German*

**Parties**

*Applicant:* Fuchshuber Agrarhandel GmbH (Hörsching, Germany) (represented by: G. Lehner, lawyer)

*Defendant:* European Commission (represented by: G. von Rintelen and D. Triantafyllou, Agents)

**Re:**

Action seeking compensation for the loss allegedly suffered by the applicant because of the lack of supervision, by the Commission, of the conditions for implementing standing invitations to tender for the purchase of cereals on the Community market, in this case maize held by the Hungarian intervention agency

**Operative part of the order**

1. *The action is dismissed as obviously lacking any basis in law.*
2. *Fuchshuber Agrarhandel GmbH shall bear its own costs and pay those of the European Commission.*

<sup>(1)</sup> OJ C 317, 20.11.2010.

**Order of the General Court of 6 July 2011 — SIR v Council**

(Case T-142/11) <sup>(1)</sup>

***(Common foreign and security policy — Restrictive measures taken in view of the situation in Côte d'Ivoire — Withdrawal of the list of persons concerned — Action for annulment — No need to adjudicate)***

(2011/C 282/44)

*Language of the case: French*

**Parties**

*Applicant:* Société ivoirienne de raffinage (SIR) (Abidjan, Côte d'Ivoire) (represented by: M. Ceccaldi, lawyer)

*Defendant:* Council of the European Union (represented by: B. Driessen and A. Vitro, Agents)