

2. Second plea in law, alleging that there was no legal basis for the contested decision, since the Commission's decision of 7 January 2004 authorising the concentration had ceased to apply following the Court's finding that Lagardère had failed to comply with some of the commitments.
3. Third and fourth pleas in law, alleging that the Commission made errors of law and manifest errors of assessment in its appraisal of Wendel's bid, both in 2004 and in the new decision granting approval; it also alleged that the Commission had made errors deriving, first, from its taking into account, when adopting the contested decision, facts subsequent to 30 July 2004 and, second, from those later facts being used in a selective and partial manner.
4. Fifth plea in law, alleging misuse of powers inasmuch as, by adopting *ex post facto* a decision retroactively approving an unlawful transfer and approving a new trustee whose only task was to draw up a further report confirming Wendel's suitability as a purchaser of the assets transferred, the Commission failed to apply Article 266 TFEU and Regulation No 4064/89 ⁽¹⁾ for their proper purpose, Regulation No 4064/89 providing, *inter alia*, for the possibility of revoking the clearance decision and penalising the parties responsible for the illegality.

5. Sixth plea in law, alleging that the statement of reasons is defective since the reasoning in the contested decision is both inadequate and contradictory.

⁽¹⁾ Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ 1989 L 395, p. 1; entire text republished following correction in OJ 1990 L 257, p. 13).

Order of the General Court of 30 August 2011 — PASP and Others v Council

(Case T-177/11) ⁽¹⁾

(2011/C 305/12)

Language of the case: French

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 145, 14.5.2011.