

*Intervener in support of the defendant:* European Commission (represented by: P. Oliver and E. Manhaeve, Agents, and by K. Sawyer, Barrister)

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**Re:**

Application for annulment of the decision of the ECHA, published on 18 June 2010, identifying boric acid (EC No 233-139-2) and disodium tetraborate, anhydrous (EC No 215-540-4) as substances meeting the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1), and including those substances in the candidate list for eventual inclusion in Annex XIV to Regulation No 1907/2006, in accordance with Article 59 of that regulation.

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *Etimine SA and AB Etiproducts Oy shall bear their own costs and pay those incurred by the European Chemicals Agency (ECHA).*
3. *The European Commission shall bear its own costs.*

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

**Order of the General Court of 21 September 2011 — Borax Europe v ECHA**

(Case T-346/10) <sup>(1)</sup>

*(Action for annulment — REACH — Identification of boric acid and disodium tetraborate, anhydrous as substances of very high concern — No direct concern — Inadmissibility)*

(2011/C 340/48)

*Language of the case: English*

**Parties**

*Applicant:* Borax Europe Ltd (London, United Kingdom) (represented by: K. Nordlander, lawyer, and H. Pearson, Solicitor)

*Defendant:* European Chemicals Agency (ECHA) (represented by: M. Heikkilä and W. Broere, Agents and by J. Stuyck and A.-M. Vandromme, lawyers)

**Re:**

Application for annulment of the decision of the ECHA, published on 18 June 2010, identifying boric acid (EC No 233-139-2) and disodium tetraborate, anhydrous (EC No 215-540-4) as substances meeting the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1), and including those substances in the candidate list for eventual inclusion in Annex XIV to Regulation No 1907/2006, in accordance with Article 59 of that regulation.

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *Borax Europe Ltd shall bear its own costs and pay those incurred by the European Chemicals Agency (ECHA).*
3. *The European Commission shall bear its own costs.*

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

**Order of the General Court of 23 September 2011 — Ahoua-N'Guetta and Others v Council**

(Case T-193/11) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in the light of the situation in Côte d'Ivoire — Actions for annulment — Inaction by the applicant — No need to adjudicate)*

(2011/C 340/49)

*Language of the case: French*

**Parties**

*Applicants:* Timothée Ahoua-N'Guetta (Abidjan, Côte d'Ivoire), Jacques André Monoko Daligou (Abidjan), Bruno Walé Ekpo (Abidjan), Félix Tano Kouakou (Abidjan), Hortense Sess (Abidjan) and Joséphine Suzanne Ebah (Abidjan) (represented by: J.-C. Tchikaya, lawyer)

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

**Re:**

Partial annulment, first, of Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire (OJ 2011 L 11, p. 36), and, second, of Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire (OJ 2011 L 11, p. 1), in so far as they concern the applicants.

**Operative part of the order**

1. *There is no longer any need to adjudicate on the action.*
2. *Timothée Ahoua-N'Guetta, Jacques André Monoko Daligou, Bruno Walé Ekpo, Félix Tano Kouakou, Hortense Sess and Joséphine Suzanne Ebah are ordered to pay the costs.*
3. *There is no need to rule on the applications made by the European Commission and the Republic of Côte d'Ivoire for leave to intervene.*

(<sup>1</sup>) OJ C 152, 21.5.2011.

**Order of the General Court of 23 September 2011 — Bro Grébé v Council**

(Case T-194/11) (<sup>1</sup>)

**(Common Foreign and Security Policy — Restrictive measures taken with regard to the situation in Côte d'Ivoire — Action for annulment — Inaction of the applicant — No need to adjudicate)**

(2011/C 340/50)

*Language of the case: French*

**Parties**

*Applicant:* Geneviève Bro Grébé (Abidjan, Côte d'Ivoire) (represented by: J.-C. Tchikaya, lawyer)

*Defendant:* Council of the European Union (represented by: B. Driessen and M. Chavrier, acting as Agents)

**Re:**

Annulment, firstly, of Council Decision 2011/18/CFSP of 14 January 2011, amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire (OJ 2011 L 11, p. 36) and, secondly, of Council Regulation (EU) No 25/2011 of 14 January 2011, amending Council Regulation (EC) No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire (OJ 2011 L 11, p. 1), in so far as those acts concern the applicant.

**Operative part of the order**

1. *There is no further need to adjudicate on the action.*
2. *Ms Geneviève Bro Grébé shall pay the costs.*
3. *There is no need to adjudicate on the applications for leave to intervene of the European Commission and the Republic of Côte d'Ivoire.*

(<sup>1</sup>) OJ C 152, 21.5.2011.

**Appeal brought on 18 July 2011 by L against the judgment of the Civil Service Tribunal of 7 July 2010 in Joined Cases F-116/07, F-13/08 and F-31/08 L v European Parliament**

(Case T-317/10 P)

(2011/C 340/51)

*Language of the case: Lithuanian*

**Parties**

*Appellant:* L (Luxemburg, Grand Duchy of Luxembourg.), represented by Audrey Sèbe and Vytautas Sviderskis, lawyers

*Other party to the proceedings:* European Parliament

**Form of order sought by the appellant**

- set aside the judgment of the Civil Service Tribunal of 7 July 2010 in Joined Cases F-116/07, F-13/08 and F-31/08 L v European Parliament;
- uphold, as being well founded in whole or in part, the pleas put forward by the appellant at first instance;
- order the European Parliament to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of his appeal, the appellant sets out eight grounds:

1. The first ground of appeal alleges misinterpretation of the concept of 'decision taken in response to the complaint' ('décision prise en réponse à la réclamation'). In the view of the appellant, the decision taken on 10 July 2007 by the authority of the European Parliament empowered to conclude contracts of employment ('the AECE') was incorrectly held to be a new decision dismissing the appellant and setting aside the first dismissal decision, as it did not re-establish the situation which existed before the first decision was adopted.
2. The second ground of appeal relates to the inadmissibility of the decision of the AECE of 13 February 2008 by which the appellant's second complaint was rejected, on the ground that the appellant did not receive that decision until 27 February 2008, that is to say, after the appellant had submitted his third application on 25 February 2008.