



Reports of Cases

Order of the General Court (Seventh Chamber) of 23 January 2019 – Prigent v Commission

(Case T-436/18)

(Action for annulment — Decision to take no further action on a complaint — Refusal of the Commission to bring infringement proceedings — Act not open to challenge — No direct concern — Inadmissibility)

1. *Action for annulment — Actionable measures — Commission's refusal to bring infringement proceedings — Precluded*

(Arts 258 and 263 TFEU)

(see paras 10-15)

2. *Actions for failure to fulfil obligations — Right of the Commission to bring judicial proceedings — To be exercised at its discretion — Procedural position of plaintiffs different from that in a competition matter*

(Arts 258 and 263 TFEU)

(see para. 16)

Re:

Application pursuant to Article 263 TFEU seeking annulment of the decision of the Commission of 23 May 2018 not to take any further action on the applicant's complaint seeking a declaration that the French authorities infringed Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ 2009 L 335, p. 1).

Operative part

1. The action is dismissed.

2. Mr Claude Prigent is ordered to pay the costs.