Case T-184/01

IMS Health, Inc.

v

Commission of the European Communities

(Action for annulment — Suspension of application then withdrawal of the contested decision in the course of the proceedings — No need to adjudicate)

Order of the Court of First Instance (Fifth Chamber), 10 March 2005 . . . . II - 819

Summary of the Order

1. *Actions for annulment — Action contesting a decision which was successively the object of a stay of execution and withdrawal in the course of proceedings — Disappearance of all legal effects prejudicial to the applicant — Application devoid of purpose — No need to adjudicate*

   (Art. 230 EC)

2. *Procedure — Costs — No need to adjudicate — Action rendered devoid of purpose by withdrawal of the contested decision — Change in the circumstances underlying the adoption of that decision — Each party to bear its own costs*

(Rules of Procedure of the Court of First Instance, Art. 87(6))

1. The applicant may retain an interest in the annulment of a measure withdrawn in the course of proceedings if the annulment of that measure may in itself have legal consequences.

   Where application of the contested decision is suspended, it cannot have had legal effect between the suspension of its application and the entry into force of the decision withdrawing it, so that, unless effects prejudicial to the applicant remain for the period prior to the suspension, the action is devoid of purpose, rendering it unnecessary to adjudicate.

2. Where the Commission in the course of proceedings has withdrawn a decision relating to proceedings for the application of Article 82 EC because of a change in the circumstances underlying its adoption, namely the state of competition, and where neither the decision to withdraw nor the documents placed in the file lead to the conclusion that the Commission accepted that that decision was unlawful in the light of the pleas in law advanced by the applicant, a fair reflection of the circumstances requires that each party bear its own costs.

(see paras 38, 40-41, 47, 49)

(see paras 53, 55)