



Reports of Cases

Order of the President of the General Court of 25 August 2017 — Malta v Commission

(Case T-653/16 R)

(Interim measures — Access to documents — Regulation (EC) No 1049/2001 — Common fisheries policy — Regulation (EC) No 1224/2009 — Documents exchanged by Malta and the Commission — Access granted to Greenpeace — Application for suspension of operation — Prima facie case — Balancing of interests)

1. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Order of examination and method of verification — Discretion of the court hearing the application for interim relief — Balancing of all the interests involved*

(Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 156)

(see paras 31-34)

2. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Prima facie case — Action against a decision of the Commission to grant a third party access to documents emanating from a Member State objecting to such disclosure — Prima facie examination as to whether pleas invoked in support of the main action are well-founded — Judicial review — Scope*

(Arts 256(1) TFEU and 278 TFEU; Rules of Procedure of the General Court, Art. 156; European Parliament and Council Regulation No 1049/2001, Art. 4(1) to (3) and (5))

(see paras 43-48)

3. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Balancing of all the interests involved — Suspension of operation of a Commission decision to front a third party access to documents emanating from a Member State — Preponderance of the interest in maintaining the confidentiality of the information in question in relation to the public interest in having immediate access*

(Arts 256(1) TFEU and 278 TFEU; European Parliament and Council Regulation No 1049/2001, Art. 4)

(see paras 76-79)

Re:

APPLICATION pursuant to Articles 278 and 279 TFEU seeking suspension of the operation of the decision of the Commission of 13 July 2016, adopted in accordance with Regulation (EC) No 1049/2001, relating to a request for access to documents registered under the reference GestDem2015/5711A-018-2014.

Operative part

1. Operation of the decision of the European Commission of 13 July 2016, adopted in accordance with Regulation (EC) No 1049/2001, relating to a request for access to documents registered under the reference GestDem2015/5711, is suspended in so far as that decision grants access to documents originating from the Republic of Malta.
2. Costs are reserved.