

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2005/374/EC of 20 October 2004 on a State aid measure implemented by Germany for Kvaerner Warnow Werft;
2. Orders the Commission to bear its own costs and pay those incurred by Aker Warnow Werft GmbH and Kvaerner ASA.

⁽¹⁾ OJ C 106, 30.4.2005.

Judgment of the Court of First Instance of 11 March 2009 — Borax Europe v Commission

(Case T-121/05) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents and sound recordings — Refusal of access — Exception relating to the protection of the privacy and integrity of the individual — Exception relating to the protection of the decision-making process)

(2009/C 90/35)

Language of the case: English

Parties

Applicant: Borax Europe Ltd (Guildford, United Kingdom) (represented by: D. Vandermeersch and K. Nordlander, lawyers)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira and I. Chatzigiannis, acting as Agents)

Re:

Application for annulment of the decision of 17 January 2005 of the Secretary-General of the Commission refusing access to certain documents and sound recordings in connection with the 30th adaptation to technical progress of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ, English Special Edition 1967(I), p. 234)

Operative part of the judgment

The Court:

1. Annuls the decision of 17 January 2005 of the Secretary-General of the Commission refusing access to certain documents and sound recordings in connection with the 30th adaptation to technical progress of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 143, 11.6.2005.

Judgment of the Court of First Instance of 11 March 2009 — Borax Europe v Commission

(Case T-166/05) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents and sound recordings — Refusal of access — Exception relating to the protection of the privacy and integrity of the individual — Exception relating to the protection of the decision-making process)

(2009/C 90/36)

Language of the case: English

Parties

Applicant: Borax Europe Ltd (Guildford, United Kingdom) (represented by: D. Vandermeersch and K. Nordlander, lawyers)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira and I. Chatzigiannis, acting as Agents)

Re:

Application for annulment of the decision of 21 February 2005 of the Secretary-General of the Commission refusing access to certain documents and sound recordings in connection with the 30th adaptation to technical progress of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ, English Special Edition 1967(I), p. 234)

Operative part of the judgment

The Court:

1. Annuls the decision of 21 February 2005 of the Secretary-General of the Commission refusing Borax Europe Ltd access to the recordings of the meeting of 5 and 6 October 2004, to two drafts of the summary record of that meeting, to thirteen comments from experts, to two comments from industry representatives and to the document submitted by the Danish Rapporteur;
2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 155, 25.6.2005.