

Action brought on 16 June 2010 — Land Wien v Commission**(Case T-267/10)**

(2010/C 234/76)

*Language of the case: German***Parties***Applicant:* Land Wien (represented by: W.-G. Schärf, lawyer)*Defendant:* European Commission**Form of order sought**

— declare the decision of 25 March 2010 to be void;

— hold that the European Commission has breached Regulation (EC) No 1049/2001⁽¹⁾ as not all of the requested documents relating to the extension of blocks 3 and 4 of the Mochovce nuclear power plant were forwarded to the complainant party, with the result that the Commission failed to act within the terms of Article 265 TFEU and [...] is in breach of [Article 2](3) of Regulation No 1049/2001;

— order the Commission to pay all costs relating to the proceedings incurred by the applicant, Land Wien.

Pleas in law and main arguments

The applicant is challenging the Commission decision of 25 March 2010, by which the complaint procedure in respect of the applicant's complaint concerning the completion of blocks 3 and 4 of the Mochovce nuclear power plant in Slovakia was discontinued. The applicant further complains that it did not receive from the Commission all of the requested documents concerning the extension of blocks 3 and 4 of the Mochovce nuclear power plant and that there was therefore a failure to act, within the terms of Article 265 TFEU, on the part of the Commission.

As grounds for its action, the applicant submits that, by its decision of 25 March 2010, the Commission has failed to have regard for Directive 2003/35/EC⁽²⁾ and for the fundamental right under Article 37 of the Charter of Fundamental Rights of the European Union.

In conjunction with its application for the provision of information, the applicant contends that the improper treatment accorded to it breaches Article 42 of the Charter of Fundamental Rights. Article 7 of Regulation No 1049/2001, it submits, has also been breached.

The applicant further takes the view that, by failing to act in respect of the complaint and the request for information, the Commission has also failed to comply with the obligations to act which are laid down in the EAEC Treaty and discussed in detail in the judgment of the Court of Justice of 27 October 2009 in Case C-115/08 *ČEZ* (not yet published in the ECR).

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

⁽²⁾ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directives 85/337/EEC and 96/61/EC (OJ 2003 L 156, p. 17).

Action brought on 14 June 2010 — LIS v Commission**(Case T-269/10)**

(2010/C 234/77)

*Language of the case: German***Parties***Applicant:* LIS GmbH Licht Impex Service (Mettmann, Germany) (represented by: K.-P. Langenkamp, lawyer)*Defendant:* European Commission**Form of order sought**

— declare the Commission decision of 12 April 2010 to be void pursuant to Article 264 TFEU;

— order the Commission to pay the costs necessarily incurred pursuant to Article 87(2) of the Rules of Procedure of the General Court.