

**Judgment of the General Court of 10 December 2010 —
Ryanair v Commission**

(Cases T-494/08 to T-500/08 and T-509/08) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to procedures for reviewing State aid — Implied refusals of access — Express refusals of access — Exception concerning protection of the purpose of inspections, investigations and audits — Duty to carry out a concrete, individual examination)

(2011/C 30/63)

Language of the case: English

Parties

Applicant: Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida and I.-G. Metaxas-Maragkidis, lawyers)

Defendant: European Commission (represented by: C. O'Reilly and P. Costa de Oliveira, Agents)

Re:

Applications for annulment of the Commission's implied decisions refusing to grant the applicant access to certain documents relating to procedures for reviewing State aid allegedly granted to the applicant by the operators of the airports of Aarhus (Denmark) (Case T-494/08), Alghero (Italy) (Case T-495/08), Berlin-Schönefeld (Germany) (Case T-496/08), Frankfurt-Hahn (Germany) (Case T-497/08), Lübeck-Blankensee (Germany) (Case T-498/08), Pau-Béarn (France) (Case T-499/08), Tampere-Pirkkala (Finland) (Case T-500/08) and Bratislava (Slovakia) (Case T-509/08), and, in the alternative, applications for annulment of the subsequent express decisions refusing access to those documents

Operative part of the judgment

The Court:

1. Orders Cases T-494/08, T-495/08, T-496/08, T-497/08, T-498/08, T-499/08, T-500/08 and T-509/08 to be joined for the purposes of the present judgment;
2. Declares the actions inadmissible in so far as they have been brought against the implied decisions to refuse access in Cases T-494/08, T-495/08, T-499/08, T-500/08 and T-509/08;
3. Declares that there is no longer any need to adjudicate on the actions in Cases T-496/08, T-497/08 and T-498/08 in so far as they have been brought against the implied decisions to refuse access;
4. Dismisses the remainder of the actions;
5. Orders Ryanair Ltd to pay the costs in Cases T-494/08, T-495/08, T-499/08, T-500/08 and T-509/08;

6. Orders the European Commission to bear its own costs in Cases T-496/08, T-497/08 and T-498/08 and to pay those incurred by Ryanair Ltd in those cases.

⁽¹⁾ OJ C 32, 7.2.2009.

**Judgment of the General Court of 9 December 2010 —
Commission v Strack**

(Case T-526/08 P) ⁽¹⁾

(Appeal — Cross-appeal — Civil Service — Officials — Recruitment — Vacancy notice — Rejection of candidature — Appointment to a post of head of unit — Action for annulment — Admissibility — Interest in bringing proceedings — Action for damages — Non-material damage)

(2011/C 30/64)

Language of the case: German

Parties

Appellant: European Commission (represented by: H. Kramer and B. Eggers, agents)

Other party to the proceedings: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Re:

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 25 September 2008 in Case F-44/05 *Strack v Commission* (not published in the ECR) seeking to have that judgment set aside in part.

Operative part of the judgment

The Court:

1. Annuls paragraphs 1, 2, 3, 5 and 6 of the operative part of the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 25 September 2008 in Case F-44/05 *Strack v Commission*.
2. Dismisses the cross-appeal as to the remainder.
3. Refers the case back to the Civil Service Tribunal for a ruling on the claims for annulment of the decision to appoint Mr A. to the post of head of the 'Calls for tenders and contracts' unit of the Office for Official Publications of the European Communities and the decision to reject Mr Guido Strack's candidature for that post, on the claims for compensation for the non-material damage purportedly suffered by Mr Strack in the sum of EUR 200, and on costs.
4. Costs reserved.

⁽¹⁾ OJ C 44, 21.2.2009.