

— By the fourth plea, the applicant submits that the Commission wrongly denied that there was an overriding public interest in the disclosure of the documents requested. According to the applicant, the Commission should, particularly when weighing up the various interests, have taken account of the fact that the private law enforcement of cartel law also constitutes a public interest within the meaning of Article 4(2) of Regulation No 1049/2001.

(<sup>1</sup>) 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).

**Action brought on 25 September 2012 — VHV v Commission**

(Case T-420/12)

(2012/C 373/13)

*Language of the case: German*

**Parties**

*Applicant:* VHV Allgemeine Versicherung AG (Hanover, Germany) (represented by: A. Birnstiel, H. Heinrich and J.-O. Schrotz, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision of the European Commission of 17 July 2012 refusing the applicant's request under Regulation (EC) No 1049/2001 (<sup>1</sup>) for access to certain documents in cartel proceedings (COMP/39.125 — Carglass);
- order the defendant to bear its own costs and to pay those incurred by the applicant.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law: No examination of the individual documents requested

In the context of the first plea the applicant submits that the decision is not based on a concrete and individual examination of each individual document. According to the applicant, the contested decision is based on the legally incorrect assumption that there was a general presumption in the present case that an exception would apply.

2. Second plea in law: Infringement of the obligation to state reasons

Here the applicant submits that, in its decision, the Commission provided merely sweeping considerations as reasons for the comprehensive refusal of the applicant's request and therefore did not provide sufficient reasons for its decision. In the applicant's view, that constitutes an infringement of the obligation to state reasons and therefore an infringement of essential procedural requirements.

3. Third plea in law: Legally incorrect interpretation and application of the first and third indents of Article 4(2) of Regulation No 1049/2001

With the third plea, the applicant submits that the Commission's interpretation and application of the exceptions set out in the first and third indents of Article 4(2) of Regulation No 1049/2001 were legally incorrect. In the applicant's view, the Commission failed to take account of the 'rule-exception' relationship and proceeded on the basis of a much too broad understanding of 'protection of investigations' and of the term 'commercial interests'.

4. Fourth plea in law: Failure to take into consideration the fact that the enforcement of cartel law under private law is a public interest within the meaning of Article 4(2) of Regulation No 1049/2001

In the fourth plea the applicant submits that the Commission erred in finding that there was no overriding public interest in the disclosure of the requested documents. In the applicant's view the Commission should, in particular in the context of the balancing of the interests, have taken into account the fact that the enforcement of cartel law under private law also constitutes a public interest within the meaning of Article 4(2) of Regulation No 1049/2001.

(<sup>1</sup>) 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).

**Action brought on 25 September 2012 — Württembergische Gemeinde-Versicherung v Commission**

(Case T-421/12)

(2012/C 373/14)

*Language of the case: German*

**Parties**

*Applicant:* Württembergische Gemeinde-Versicherung a. G. (Stuttgart, Germany) (represented by: A. Birnstiel, H. Heinrich and J.-O. Schrotz)

*Defendant:* European Commission