

## GENERAL COURT

### Judgment of the General Court of 15 January 2013 — Strack v Commission

(Case T-392/07) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to confirmatory applications for access to documents and to a case brought before the General Court — Document register — Action for annulment — Implied refusal of access — Interest in bringing proceedings — Admissibility — Partial refusal of access — Exception relating to the protection of the privacy and the integrity of the individual — Exception relating to the protection of the decision-making process — Duty to state reasons — Non-contractual liability)*

(2013/C 55/13)

Language of the case: German

#### Parties

**Applicant:** Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

**Defendant:** European Commission (represented initially by: C. Ladenburger and P. Costa de Oliveira, and subsequently by: P. Costa de Oliveira and B. Conte, acting as Agents)

#### Re:

Firstly, annulment of all implied and express decisions of the Commission adopted following the initial application for access to documents made by Mr Strack on 20 June 2007 and, secondly, an action for damages

#### Operative part of the judgment

The Court:

1. Declares that there is no longer any need to adjudicate on the lawfulness of the implied decisions refusing access;
2. Annuls the decision of the Commission of 25 July 2007 refusing access to an extract from the register;
3. Annuls the decision of 23 October 2007 concerning the OLAF documents in so far as it relates to data concerning legal persons;
4. Annuls the decisions of the Commission of 28 November 2007 and 15 February 2008 concerning the Commission documents (not including the OLAF documents);

5. Annuls the decisions of the Commission of 28 November 2007 and 9 April 2008 concerning the documents connected with Case T-110/04, in so far as they concern, firstly, the removal of data concerning legal persons when the reasons for that removal were not based on Article 4(2) of 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, secondly, the removal of documents and data on the basis of Article 4(1)(b) of Regulation No 1049/2001, with the exception of the removal of the names and addresses of the officials of the European Commission Directorate-General 'Trade' and the applicant's accusations made against them in Case T-110/04, and, thirdly, the removal of documents and data on the basis of the second subparagraph of Article 4(3) of Regulation No 1049/2001;

6. Dismisses the remainder of the action;

7. Orders the Commission to bear its own costs and to pay two thirds of the costs of Mr Guido Strack.

<sup>(1)</sup> OJ C 297, 8.12.2007.

### Judgment of the General Court of 15 January 2013 — Aiscat v Commission

(Case T-182/10) <sup>(1)</sup>

*(State aid — Direct concession for the construction and subsequent management of a section of motorway — Decision to take no further action on the complaint — Action for annulment — Actionable measure — Locus standi — Individual concern — Admissibility — Definition of aid — State resources)*

(2013/C 55/14)

Language of the case: Italian

#### Parties

**Applicant:** Associazione italiana delle società concessionarie per la costruzione e l'esercizio di autostrade e trafori stradali (Aiscat) (Rome, Italy) (represented by: M. Maresca, lawyer)

**Defendant:** European Commission (represented by: P. Rossi and D. Grespan, acting as Agents)

**Intervener in support of the defendant:** Concessioni Autostradali Venete — CAV SpA (represented by: C. Malinconico and P. Clarizia, lawyers)