

GENERAL COURT

Judgment of the General Court of 8 October 2013 — Stichting Greenpeace Nederland and PAN Europe v Commission

(Case T-545/11) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the first authorisation of the placing on the market of the active substance ‘glyphosate’ — Partial refusal of access — Risk of an adverse effect on the commercial interests of a natural or legal person — Article 4(5) of Regulation No 1049/2001 — Overriding public interest — Regulation (EC) No 1367/2006 — Article 6(1) of Regulation No 1367/2006 — Directive 91/414/EEC)

(2013/C 344/95)

Language of the case: English

Parties

Applicants: Stichting Greenpeace Nederland (Amsterdam, Netherlands) and Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: B. Kloostra and A. van den Biesen, lawyers)

Defendant: European Commission (represented initially by P. Oliver, P. Ondrušek and C. ten Dam, and subsequently by P. Oliver, P. Ondrušek and C. Zadra, acting as Agents)

Re:

Application for annulment of the Commission’s decision of 10 August 2011 refusing access to volume 4 of the Draft Assessment Report issued by the Federal Republic of Germany as rapporteur Member State for the active substance glyphosate under Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (O) 1991 L 230, p. 1).

Operative part of the judgment

The Court:

1. Annuls the Commission’s decision of 10 August 2011 refusing access to volume 4 of the Draft Assessment Report issued by the Federal Republic of Germany as rapporteur Member State for the active substance glyphosate under Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market inasmuch as it refuses access to the parts of that volume containing information relating to emissions into the environment: the ‘identity’ and quantity of all of the impurities in the active substance notified by each operator, set out in part C.1.2.1 of the first sub-document (pp. 11 to 61), in part C.1.2.1 of the second sub-document (pp. 1 to 6) and in part C.1.2.1 of the third sub-document (pp. 4 and 8 to 13); the impurities present in the various batches and the minimum, median and maximum quantities of each of those impurities, set out, for each operator, in the table included in part C.1.2.2 of the first sub-document (pp. 61 to 84) and in part C.1.2.4 of the third sub-document (p. 7); and the composition of the plant protection products developed by the operators, set out in part

C.1.3, entitled ‘Detailed specification of the preparations’, of the first sub-document (pp. 84 to 88) of that volume;

2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 355, 3.12.2011.

Judgment of the General Court of 8 October 2013 — Council v AY

(Case T-167/12 P) ⁽¹⁾

(Appeal — Civil service — Officials — Promotion — 2010 promotion procedure — Consideration of comparative merits — Professional development — Success at examinations in the training programme for AST function group officials in the certification procedure for access to the AD function group — Distortion of evidence)

(2013/C 344/96)

Language of the case: French

Parties

Appellant: Council of the European Union (represented by: M. Bauer and A. Jensen, acting as Agents)

Other party: AY (Bousval, Belgium) (represented by: É. Boigelot, lawyer)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 8 February 2012, Case F-23/11 AY v Council (not yet published in the ECR), and seeking the partial annulment of that judgment.

Operative part of the judgment

The Court:

1. Annuls the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 8 February 2012, Case F-23/11 AY v Council, in so far as the Civil Service Tribunal annulled the decision by which the Council of the European Union refused to promote AY to AST grade 9 pursuant to the 2010 promotion procedure and in so far as it ordered the Council to pay all of the costs (points 1 and 4 of the operative part of that judgment).
2. Refers the case back to the Civil Service Tribunal.
3. Reserves the costs.

⁽¹⁾ OJ C 180, 27.7.2012.