

Operative part of the judgment

The Court:

1. Annuls Commission Implementing Decision (EU) 2015/1119 of 22 June 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) in so far as it applies a flat-rate correction increased by 10 % on the ground that the failure alleged of the French authorities in the field of the counting of animals was recurrent and had not been subject to improvements carried out by those authorities;
2. Dismisses the action as to the remainder;
3. Orders the French Republic and the European Commission to bear their own costs;
4. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 354, 26.10.2015.

Judgment of the General Court of 5 February 2018 — Edeka-Handelsgesellschaft Hessenring v Commission

(Case T-611/15) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Table of contents of the Commission file relating to proceedings under Article 101 TFEU — Refusal of access — Obligation to state reasons — Obligation to inform about available remedies — Exception for the protection of the purpose of investigations — General presumption of confidentiality)

(2018/C 104/37)

Language of the case: German

Parties

Applicant: Edeka-Handelsgesellschaft Hessenring mbH (Melsungen, Germany) (represented by: E. Wagner and H. Hoffmeyer, lawyers)

Defendant: European Commission (represented by: initially F. Clotuche-Duvieusart, L. Wildpanner and A. Buchet, then F. Clotuche-Duvieusart, A. Buchet and F. Erlbacher and finally F. Clotuche-Duvieusart and A. Buchet, acting as Agents)

Re:

First, action based on Article 263 TFEU and seeking annulment of the Commission decision of 3 September 2015 refusing the applicant access to the non-confidential version of the Commission decision of 4 December 2013 relating to proceedings under Article 101 TFEU and of Article 53 of the EEA Agreement [Case AT.39914 — Euro Interest Rate Derivatives (EIRD) — Settlement procedure] and to the table of contents of the administrative file of that procedure and, secondly, action based on Article 265 TFEU and seeking a declaration that the Commission unlawfully failed to establish a non-confidential version of Decision C(2013) 8512 final and of the table of contents relating to that procedure.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Edeka-Handelsgesellschaft Hessenring mbH to pay the costs.

⁽¹⁾ OJ C 27, 25.1.2016.

**Judgment of the General Court of 5 February 2018 — PTC Therapeutics International v EMA
(Case T-718/15) ⁽¹⁾**

(Access to documents — Regulation (EC) No 1049/2001 — Document held by the EMA and submitted in the context of the application for marketing authorisation for the medicinal product Translarna — Decision to grant a third party access to the document — Exception relating to the protection of commercial interests — No general presumption of confidentiality)

(2018/C 104/38)

Language of the case: English

Parties

Applicant: PTC Therapeutics International Ltd (Dublin, Ireland) (represented initially by: C. Thomas, Barrister, G. Castle, B. Kelly, H. Billson, Solicitors, and M. Demetriou QC, and, subsequently, by C. Thomas, M. Demetriou, G. Castle and B. Kelly)

Defendant: European Medicines Agency (EMA) (represented by: T. Jabłoński, A. Spina, S. Marino, A. Rusanov and N. Rampal Olmedo, acting as Agents)

Intervener in support of the applicant: European Confederation of Pharmaceutical Entrepreneurs (Eucope) (represented by: D. Scannell, Barrister, and S. Cowlshaw, Solicitor)

Re:

Action under Article 263 TFEU for the annulment of Decision EMA/722323/2015 of the EMA of 25 November 2015, granting to a third party, pursuant to 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), access to a document containing information submitted in the context of an application for marketing authorisation for the medicinal product Translarna.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders PTC Therapeutics International Ltd to bear its own costs and to pay those incurred by the European Medicines Agency (EMA), including those relating to the application for interim measures;
3. Orders the European Confederation of Pharmaceutical Entrepreneurs (Eucope) to bear its own costs.

⁽¹⁾ OJ C 59, 15.2.2016.
