

# GENERAL COURT

## Judgment of the General Court of 22 March 2018 — De Capitani v Parliament

(Case T-540/15) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents concerning an ongoing legislative procedure — Trilogues — Four-column tables relating to the Proposal for a Regulation of the European Parliament and of the Council on Europol and repealing Decisions 2009/371/JAI and 2005/681/JAI — Partial refusal of access — Action for annulment — Interest in bringing proceedings — Admissibility — First subparagraph of Article 4(3) of Regulation No 1049/2001 — Exception relating to the protection of the decision-making process — No general presumption that access should be refused to four-column tables drawn up for the purposes of trilogues)*

(2018/C 161/50)

Language of the case: English

### Parties

*Applicant:* Emilio De Capitani (Brussels, Belgium) (represented by: O. Brouwer, J. Wolfhagen and E. Raedts, lawyers)

*Defendant:* European Parliament (represented initially by: N. Görlitz, A. Troupiotis and C. Burgos, and subsequently by N. Görlitz, C. Burgos and I. Anagnostopoulou, acting as Agents)

*Interveners in support of the defendant:* Council of the European Union (represented by: E. Rebasti, B. Driessen and J.-B. Laignelot, acting as Agents) and European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

### Re:

Application pursuant to Article 263 TFEU seeking annulment of Decision A(2015) 4931 of the European Parliament of 8 July 2015, refusing to grant the applicant full access to the documents LIBE-2013-0091-02 and LIBE-2013-0091-03.

### Operative part of the judgment

*The Court:*

1. Annuls Decision A(2015) 4931 of the European Parliament of 8 July 2015 in so far as it refuses to grant Mr Emilio De Capitani full access to documents LIBE-2013-0091-02 and LIBE-2013-0091-03;
2. Orders the Parliament to bear its own costs and to pay those incurred by Mr De Capitani;
3. Orders the Council of the European Union and the European Commission to bear their own costs.

<sup>(1)</sup> OJ C 398, 30.11.2015.