

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 1 July 2008 — Kingdom of Sweden, Maurizio Turco v Council of the European Union, Kingdom of Denmark, Republic of Finland, United Kingdom of Great Britain and Northern Ireland, Commission of the European Communities

(Joined Cases C-39/05 P and C-52/05 P) ⁽¹⁾

(Appeals — Access to documents of the institutions — Regulation (EC) No 1049/2001 — Legal opinion)

(2008/C 209/02)

Language of the case: English

Parties

Appellants: Kingdom of Sweden (represented by: K. Wistrand and A. Falk, acting as Agents) Maurizio Turco (represented by: O. Brouwer and C. Schillemans, advocaten)

Intervener in support of the appellant: Kingdom of the Netherlands (represented by: H.G. Sevenster, C.M. Wissels and M. de Grave, acting as Agents)

Other parties to the proceedings: Council of the European Union (represented by: J.-C. Piris, M. Bauer and B. Driessen, acting as Agents) Kingdom of Denmark (represented by: B. Weis Fogh, acting as Agent), Republic of Finland (represented by: A. Guimaraes-Purokoski and J. Heliskoski, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by: V. Jackson, S. Nwaokolo and T. Harris, acting as Agents, and J. Stratford, Barrister), Commission of the European Communities (represented by: M. Petite, C. Docksey and P. Aalto, acting as Agents)

Re:

Appeal against the judgment of the Court of First Instance (Fifth Chamber) in Case T-84/03 *Turco v Council*, by which the Court of First Instance dismissed the action brought in that case for the annulment of the Council's decision refusing, in part, Mr Turco's application for access to certain documents appearing on the agenda of the 2455th meeting of the Justice and Home Affairs Council of 14 and 15 October 2002

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 23 November 2004 in Case T-84/03 *Turco v Council* in so far as it relates to the decision of the Council of the European Union of 19 December 2002 refusing Mr Turco access to opinion No 9077/02 of the Council's legal service concerning a proposal for a Council directive laying down minimum standards for the reception of applicants for asylum in Member States and orders Mr Turco and the Council each to pay half of the costs;
2. Annuls the decision of the Council of the European Union of 19 December 2002 refusing Mr Turco access to opinion No 9077/02 of the Council's legal service;
3. Orders the Council of the European Union to pay the costs incurred by the Kingdom of Sweden in the appeal proceedings and those incurred by Mr Turco in the appeal proceedings and the proceedings at first instance which resulted in that judgment of the Court of First Instance of the European Communities;
4. Orders the Kingdom of Denmark, the Kingdom of the Netherlands, the Republic of Finland, the United Kingdom of Great Britain and Northern Ireland, the Council of the European Union and the Commission of the European Communities to bear their own costs relating to the appeal;
5. Orders the Council of the European Union to bear its own costs relating to the proceedings at first instance.

⁽¹⁾ OJ C 106, 30.4.2005.
