



C/2024/6449

4.11.2024

**Action brought on 19 September 2024 – Pech v Commission**

**(Case T-485/24)**

(C/2024/6449)

*Language of the case: English*

**Parties**

*Applicant:* Laurent Pech (Brussels, Belgium) (represented by: C. Zatschler, Senior Counsel, M. Delargy and A. Bateman, Solicitors)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the implied decision of the European Commission of 6 September 2024, by which the Commission, pursuant to Article 8(3) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council, <sup>(1)</sup> is deemed to have rejected the applicant's request for access to a number of documents mentioned in the Commission's press release IP/24/2461 dated 6 May 2024, announcing its intention to close the Article 7(1) TEU procedure for Poland;
- order the Commission, in addition to bearing its own costs, to pay those incurred by the applicant.

**Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law.

Single plea in law, alleging failure to comply with the duty to state reasons provided for by Article 296 TFEU.

The Commission failed to reply within the applicable deadline to the applicant's confirmatory application for access to documents, giving rise to a deemed refusal pursuant to Article 8(3) of Regulation No 1049/2001. Such a deemed refusal of access entails, by definition, an absolute lack of reasoning and therefore does not satisfy the duty to state reasons which Article 296 TFEU imposes on EU institutions.

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<sup>(1)</sup> 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).