



C/2025/5856

10.11.2025

Action brought on 12 September 2025 – De Capitani v Commission

(Case T-621/25)

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Language of the case: Italian

Parties

Applicant: Emilio De Capitani (Brussels, Belgium) (represented by: P. Regina and C. Favilli, lawyers)

Defendant: European Commission

Forms of order sought

The applicant claims that the Court should:

- annul the implied decision of the defendant of 2 July 2025 rejecting, pursuant to Article 8 of 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, the confirmatory application for access to the national implementation plans of the European Pact on migration and asylum provided in Article 84 ‘Transitional measures’ of Regulation (EU) 2024/1351; ⁽¹⁾
- order the European Commission to pay the costs incurred by the applicant in the present action.

Pleas in law and main arguments

In support of the action, the applicant relies on the following pleas in law.

1. First plea in law, alleging infringement of the relevant provisions of Regulation (EC) 1049/01: ⁽²⁾
In that regard, the applicant states that, at the time of submission of the confirmatory application:
 - almost all of the national plans had been sent to the Commission and, according to a report by the Commission itself, a third of those plans were already public documents;
 - for the non-public national plans, the Commission had the entire period between 10 February 2025 and 2 July 2025 to consult the Member States pursuant to Article 15 of Regulation 1049/01 in order to check whether there were parts that should not have been published in relation to public interest requirements recognised by EU law.
2. Second plea in law, relating to the obligation to ensure that its proceedings are transparent, as explicitly provided for in the third subparagraph of Article 15(3), TFEU:
 - In that regard, the Commission infringed the relevant provisions of Regulation (EU) 1049/01 which entitle individuals to access documents; it prevented the timely participation of the applicant and of the other civil society representatives, who had supported his original application for access, in the full implementation of the Pact on migration and asylum within a framework of shared responsibility between European institutions and Member States. Such participation after the entry into force of the Lisbon Treaty is now explicitly provided for in Articles 10(3) and 11 of the Treaty on European Union and in Article 15(1) of the TFEU.

⁽¹⁾ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013; OJ L, 2024/1351.

⁽²⁾ 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.