

**Judgment of the Court of First Instance of 10 September 2008 — France v Commission**

(Case T-370/05) <sup>(1)</sup>

*(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Wine sector — Restructuring aid and conversion aid — Definition of eligible area)*

(2008/C 272/32)

Language of the case: French

**Parties**

*Applicant:* French Republic (represented: initially by G. de Bergues and A. Colomb, and subsequently by G. de Bergues and A.-L. During, acting as Agents)

*Defendant:* Commission of the European Communities (represented by: M. Nolin, acting as Agent)

**Re:**

Action for annulment of Commission Decision 2005/579/EC of 20 July 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2005 L 199, p. 84), inasmuch as it excludes from Community financing certain expenditure in respect of a correction relating to determination of the areas eligible for aid for restructuring and conversion of vineyards for the 2001-2003 accounting period.

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision 2005/579/EC of 20 July 2005, Commission Decision of 20 July 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) inasmuch as it excludes from Community financing the sum of EUR 13 519 122,05 in respect of a correction relating to determination of the areas eligible for aid for restructuring and conversion of vineyards for the 2001-2003 accounting period.
2. Orders the Commission to pay the costs.

<sup>(1)</sup> OJ C 315, 10.12.2005.

**Judgment of the Court of First Instance of 9 September 2008 — MyTravel v Commission**

(Case T-403/05) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Refusal to grant access — Exception relating to the protection of the decision-making process — Exception relating to the protection of investigations and audits — Exception relating to the protection of legal advice — Documents relating to decisions of the Commission in the area of concentrations)*

(2008/C 272/33)

Language of the case: English

**Parties**

*Applicant:* MyTravel Group plc (Rochdale, Lancashire, United Kingdom) (represented by: D. Pannick, QC, A. Lewis, Barrister, M. Nicholson, S. Cardell and B. McKenna, Solicitors)

*Defendant:* Commission of the European Communities (represented by: P. Hellström and P. Costa de Oliveira, and subsequently by X. Lewis and P. Costa de Oliveira, Agents)

**Re:**

ACTION for the annulment of the Commission's decisions of 5 September 2005 (D(2005) 8461) and 12 October 2005 (D(2005) 9763), refusing to grant the applicant access to certain preparatory documents for the Commission Decision 2000/276/EC of 22 September 1999 declaring a concentration to be incompatible with the common market and the EEA Agreement (Case No IV/M. 1524 Airtours/First Choice), and to documents drafted by the Commission services in consequence of the annulment of that decision by judgment of the Court of First Instance of 6 June 2002 in Case T-342/99 [2002] ECR II-2585.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Commission of 5 September 2005 (D(2005) 8461) in so far as it refuses access to a working document entitled 'Minutes from the conversation of a member of the case team in Case M.1524 Airtours/First Choice on the Airtours case conducted on 24 June 2002';
2. Dismisses the action as to the remainder;
3. Orders MyTravel Group plc to bear nine-tenths of its own costs and nine-tenths of the costs incurred by the Commission;