

**Judgment of the Court of First Instance (Seventh Chamber) of 18 December
2008 — Muñiz v Commission**

(Case T-144/05)

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to a meeting of the Working Group of the ‘Tariff and Statistical Nomenclature Section (Mechanical/Miscellaneous)’ of the Customs Code Committee — Refusal of access — Exception relating to the protection of the decision-making process)

European Communities — Institutions — Right of public access to documents — Regulation No 1049/2001 — Exceptions to the right of access to documents (Regulation of the European Parliament and Council No 1049/2001, Arts. 2(1) and 4(3), first para.) (see paras 74, 75, 82, 84-88, 90-94)

Re:

APPLICATION for annulment of the Commission’s decision of 3 February 2005 refusing to grant access to certain documents relating to the September 2004 meeting of the Working Group of the ‘Tariff and Statistical Nomenclature Section (Mechanical/Miscellaneous)’ of the Customs Code Committee.

Operative part

The Court:

1. Annuls the Commission’s decision of 3 February 2005 inasmuch as it refused access to documents, ‘TAXUD/1369/2003’ relating to home cinema, ‘TAXUD/974/2004’ relating to vehicles for dual use, ‘TAXUD/1342/2003’, ‘TAXUD/2465/2004’ and ‘TAXUD/2495/2004’ relating to power supply units, ‘XXI/770/1998’ relating to incomplete ADP machines, and to the minutes of the September 2004 meeting of the Working Group of the ‘Tariff and Statistical Nomenclature Section (Mechanical/Miscellaneous)’ of the Customs Code Committee (document ‘TAXUD/3010/2004 — Annex V’);

2. Declares that there is no need to adjudicate on the remainder of the action;
3. Orders the Commission to pay the costs incurred by Mr Pablo Muñiz.

**Judgment of the Court of First Instance (Fifth Chamber) of 18 December 2008 —
Componenta v Commission**

(Case T-455/05)

(State aid — Metallurgy sector — Acquisition of a shareholding held by an undertaking in a property company and repayment of a loan by that undertaking to the property company in consideration for an investment in that undertaking — Decision declaring the aid incompatible with the common market and ordering its recovery — Private investor test — Valuation of the shares in a property company — Valuation of the real property assets of a company — Duty to state the reasons for the decision — Finding of the Court of its own motion)

1. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see paras 44, 45)*
2. *State aid — Concept — Competence conferred on the Commission and the national court to classify a national measure as State aid — Limited discretion of the Commission (Art. 87(1) EC) (see para. 97)*
3. *Acts of the institutions — Statement of reasons — Obligation — Scope — Commission decision on State aid (Arts 87(1) EC and 253 EC) (see paras 98-100)*