

Judgment of the General Court of 7 July 2010 — Agrofert Holding v Commission

(Case T-111/07) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to a procedure concerning a merger between undertakings — Refusal to grant access)

(2010/C 221/54)

Language of the case: English

Parties

Applicant: Agrofert Holding a.s. (Pyšelská, Czech Republic) (represented by: R. Pokorný and D. Šalek, lawyers)

Defendant: European Commission (represented by: X. Lewis and P. Costa de Oliveira, and subsequently by P. Costa de Oliveira and V. Bottka, acting as Agents)

Interveners in support of the applicant: Kingdom of Sweden (represented initially by A. Kruse and S. Johannesson, and subsequently by S. Johannesson, Agents), Republic of Finland (represented by J. Himmanen, A. Guimaraes-Purokoski, J. Heliskoski and M. Pere, Agents), Kingdom of Denmark (represented by B. Weis Fogh, Agent)

Intervener in support of the defendant: Polski Koncern Naftowy Orlen SA, (Płock, Poland), (represented by S. Sołtysiński, K. Michałowska and M. Olechowski, lawyers)

Re:

Action for annulment of, first, the Commission's decision of 2 August 2006 refusing the applicant access to documents concerning the notification and pre notification procedure in relation to the acquisition of Unipetrol by Polski Koncern Naftowy Orlen SA (COMP/M.3543) and, second, Commission Decision D(2007) 1360 of 13 February 2007 confirming that refusal

Operative part of the judgment

The Court:

1. Declares that the head of claim seeking annulment of the reply of the European Commission of 2 August 2006 and that requesting the Court to order the Commission to provide the applicant with the documents requested are inadmissible;

2. Annuls Commission Decision D(2007) 1360 of 13 February 2007 refusing access to documents in Case COMP/M.3543 concerning the merger between Polski Koncern Naftowy Orlen SA and Unipetrol, exchanged between the Commission and the notifying parties and between the Commission and third parties, and refusing access to the internal documents and legal advice drawn up in that case;

3. Orders the Commission to pay the costs;

4. Orders the Kingdom of Sweden, the Republic of Finland, the Kingdom of Denmark and Polski Koncern Naftowy Orlen to bear their own respective costs.

⁽¹⁾ OJ C 129, 9.6.2007.

Judgment of the General Court of 6 July 2010 — Ryanair v Commission

(Case T-342/07) ⁽¹⁾

(Competition — Concentrations — Air transport — Decision declaring a concentration to be incompatible with the common market — Assessment of the effects of the concentration on competition — Barriers to entry — Efficiency gains — Commitments)

(2010/C 221/55)

Language of the case: English

Parties

Applicant: Ryanair Holdings plc (Dublin, Ireland) (represented by: J. Swift QC, V. Power, A. McCarthy and D. Hull, Solicitors, and G. Berrisch, lawyer)

Defendant: European Commission (represented by: X. Lewis and S. Noë, Agents)

Interveners in support of the defendant: Aer Lingus Group plc (Dublin) (represented initially by A. Burnside, Solicitor, B. van de Walle de Ghelcke and T. Snels, lawyers, and subsequently by A. Burnside and B. van de Walle de Ghelcke)

and

Ireland (represented by D. O'Hagan and J. Buttimore, acting as Agents, and M. Cush, D. Barniville and N. Travers, lawyers)