

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 8 November 2007 in Case T-194/04 *Bavarian Lager v Commission*, in so far as it annuls the Commission's decision of 18 March 2004, rejecting an application for access to the full minutes of the meeting of 11 October 1996, including all the names, and in so far as it orders the European Commission to pay the costs of The Bavarian Lager Co. Ltd;
2. Dismisses the action of The Bavarian Lager Co. Ltd against the Commission's decision of 18 March 2004, rejecting an application for access to the full minutes of the meeting of 11 October 1996, including all the names;
3. Orders The Bavarian Lager Co. Ltd to pay the costs incurred by the European Commission both in the context of the present appeal proceedings and before the Court of First Instance;
4. Orders the Kingdom of Denmark, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, the Council of the European Union and the European Data Protection Supervisor to bear their own costs.

⁽¹⁾ OJ C 79, 29.03.2008.

Judgment of the Court (First Chamber) of 8 July 2010 — European Commission v Portuguese Republic

(Case C-171/08) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Articles 56 EC and 43 EC — Free movement of capital — Portuguese State's 'golden' shares in Portugal Telecom SGPS SA — Restrictions on the acquisition of holdings and on the management of a privatised company — State measure)

(2010/C 234/05)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: E. Montaguti, M. Teles Romão and P. Guerra e Andrade, acting as Agents)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes, acting as Agent, and by M. Gorjão Henriques, advogado)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 43 EC and 56 EC — Special shares ('golden shares') held by the Portuguese State in Portugal Telecom S.A.

Operative part of the judgment

The Court:

1. Declares that, by maintaining in Portugal Telecom SGPS SA special rights, such as those provided for in that company's articles of association for the State and other public sector bodies, allocated in connection with the State's golden shares in Portugal Telecom SGPS SA, the Portuguese Republic has failed to fulfil its obligations under Article 56 EC;
2. Orders the Portuguese Republic to pay the costs.

⁽¹⁾ OJ C 171, 05.07.2008.

Judgment of the Court (Third Chamber) of 1 July 2010 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Susanne Gassmayr v Bundesminister für Wissenschaft und Forschung

(Case C-194/08) ⁽¹⁾

(Social policy — Directive 92/85/EEC — Introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding — Articles 5(3) and 11(1) to (3) — Direct effect — Pregnant worker granted leave during her pregnancy — Worker on maternity leave — Right to payment of an on-call duty allowance)

(2010/C 234/06)

Language of the case: German

Referring court

Verwaltungsgerichtshof