

**Action brought on 2 January 2008 — Landesanstalt für Medien Nordrhein-Westfalen v Commission**

(Case T-2/08)

(2008/C 64/86)

*Language of the case: German*

**Parties**

*Applicant:* Landesanstalt für Medien Nordrhein-Westfalen (LfM) (Düsseldorf, Germany) (represented by: A. Rosenfeld and G.-B. Lehr, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annulment of Commission Decision C(2007) 5109 final of 23 October 2007 on the State Aid which the Federal Republic of Germany wishes to grant for the introduction of digital terrestrial television (DVB-T) in Nordrhein-Westfalen;
- the Commission to be ordered to pay the costs

**Pleas in law and main arguments**

The applicant is challenging Commission Decision C (2007) 5109 final of 23 October 2007 on State aid C 34/2006 (ex N 29/2005 and ex CP 13/2004), in which the Commission decided that the State aid which the Federal Republic of Germany wishes to grant to commercial service broadcasters in the context of the introduction of digital terrestrial television in Nordrhein-Westfalen, and which was notified to the Commission, is not compatible with the common market.

In support of its action the applicant submits, first, that the contested decision infringes Article 87(1) EC as the measure was wrongly found to amount to State aid. In this connection it is also submitted that there was infringement of Article 253 EC.

In addition it is submitted that an unlawful method of assessment was used in the context of the assessment under Article 87(3)(c) EC. In that regard, the applicant also maintains that there were errors of judgment and assessment and that there was infringement of Article 253 EC.

As a result of errors of judgment and assessment it is further submitted that there was infringement of Article 87(3)(b) and (d) EC.

Lastly, the applicant claims that the measure concerned is in any event covered by the exception in Article 86(2) EC. It is also submitted here that there was infringement of Article 253 EC.

**Action brought on 2 January 2008 — Coedo Suárez v Council**

(Case T-3/08)

(2008/C 64/87)

*Language of the case: French*

**Parties**

*Applicant:* Angel Coedo Suárez (Brussels, Belgium) (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

- declare this application admissible;
- annul the Council's decision of 30 October 2007 in so far it refuses to grant the applicant the access sought to several Council documents relating to, and arising from, an incident between the applicant and one of his colleagues on 19 February 2004 (minutes of internal meetings, investigation findings and a report of the security service);
- order the defendant to pay the costs.

**Pleas in law and main arguments**

By this action, the applicant seeks the annulment of the decision of 30 October 2007, adopted by DG F of the General Secretariat of the Council of the European Union, rejecting his formal request for access to documents relating to an incident between the applicant and one of his colleagues.