

### Pleas in law and main arguments

By means of this application the applicant seeks annulment of the Commission implied decision rejecting the applicant's request, pursuant to Regulation No 1049/2001 <sup>(1)</sup>, of the access to documents relating to State aid procedures concerning the presumed State aid granted through an agreement with the operator of Tampere-Pirkkala airport. The said decision was followed by the express decision of 31 October 2008. The annulment of the express decision is alternatively sought by the applicant in the present case.

The pleas in law and main arguments relied on by the applicant are identical to those relied on in Case T-494/08 *Ryanair v Commission*.

<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ 2001 L 145, p. 43.

### Action brought on 7 November 2008 — Ryanair/Commission

(Case T-509/08)

(2009/C 32/85)

*Language of the case: English*

### Parties

*Applicant:* Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida, I. Metaxas-Maragkidis, lawyers)

*Defendant:* Commission of the European Communities

### Form of order sought

- declare in accordance with Articles 230 and 231 EC that the Commission's implied decision refusing access to the documents for which access was requested by the applicant in an application dated 20 June 2008 is void and that the Commission's decision of 26 September 2008 refusing access to the same documents is non-existent;
- alternatively, declare in accordance with Articles 230 and 231 EC that the Commission's decision of 26 September 2008 refusing access to the documents for which access was requested by the applicant in an application dated 20 June 2008 is void;
- order the Commission to pay the costs incurred by the applicant in the proceedings; and

— take such further action as the Court may deem appropriate.

### Pleas in law and main arguments

By means of this application the applicant seeks annulment of the Commission implied decision rejecting the applicant's request, pursuant to Regulation No 1049/2001 <sup>(1)</sup>, of the access to documents relating to State aid procedures concerning the presumed State aid granted through an agreement with the operator of Bratislava airport. The said decision was followed by the express decision of 26 September 2008. The annulment of the express decision is alternatively sought by the applicant in the present case.

The pleas in law and main arguments relied on by the applicant are identical to those relied on in Case T-494/08 *Ryanair v Commission*.

<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ 2001 L 145, p. 43.

### Action brought on 27 November 2008 — Unity OSG FZE/Conseil et EUPOL Afghanistan

(Case T-511/08)

(2009/C 32/86)

*Language of the case: English*

### Parties

*Applicant:* Unity OSG FZE (Dubai, United Arab Emirates) (represented by: C. Bryant and J. McEwen, lawyers)

*Defendants:* Council of the European Union and European Union Police Mission in Afghanistan ('EUPOL Afghanistan')

### Form of order sought

- Annul the decision of the European Union Police Mission in Afghanistan ('EUPOL Afghanistan') (i) to reject the applicant's tender in relation to the contract for provision of guarding and close protection services in Afghanistan, (ii) to award the contract to another tenderer as communicated to the applicant by letter of 23 November 2008;
- order the defendant to bear the applicant's costs pursuant to Article 87 of the Rules of Procedure of the Court of First Instance.