

GENERAL COURT

Judgment of the General Court of 4 May 2012 — In 't Veld v Council(Case T-529/09) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Opinion of the Council's Legal Service on a recommendation from the Commission to authorise the opening of negotiations for an international agreement — Partial refusal to grant access — Exception relating to the protection of the public interest in the field of international relations — Exception relating to the protection of legal advice — Specific and foreseeable threat to the interest in question — Overriding public interest)

(2012/C 184/14)

Language of the case: English

Parties

Applicant: Sophie in 't Veld (Brussels (Belgium)) (represented by: O. Brouwer and J. Blockx, lawyers)

Defendant: Council of the European Union (represented by: initially by M. Bauer, C. Fekete and O. Petersen, and subsequently by M. Bauer and C. Fekete, acting as Agents)

Intervener in support of the defendant: European Commission, (represented by: C. O'Reilly and P. Costa de Oliveira, acting as Agents)

Re:

Application for annulment of the Council's decision of 29 October 2009 refusing full access to document 11897/09 of 9 July 2009 containing an opinion of the Council's Legal Service entitled 'Recommendation from the Commission to the Council to authorise the opening of negotiations between the European Union and the United States of America for an international agreement to make available to the United States Treasury Department financial messaging data to prevent and combat terrorism and terrorist financing — Legal basis'.

Operative part of the judgment

The Court:

1. Annuls the Council's decision of 29 October 2009 insofar as it refuses access to the undisclosed parts of document 11897/09 other than those which concern the specific content of the envisaged agreement or the negotiating directives;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 80, 27.3.2010.**Judgment of the General Court of 8 May 2012 — Dow Chemical v Council**(Case T-158/10) ⁽¹⁾

(Dumping — Imports of ethanolamines originating in the United States — Definitive anti-dumping duty — Expiry of anti-dumping measures — Review — Likelihood of a continuation or recurrence of dumping — Article 11(2) of Regulation (EC) No 1225/2009)

(2012/C 184/15)

Language of the case: English

Parties

Applicant: The Dow Chemical Company (Midland, Michigan, United States) (represented: initially by J.-F. Bellis, R. Luff and V. Hahn, and subsequently by J.-F. Bellis and R. Luff, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix, R. Szostak and B. Driessen, Agents, and by G. Berrisch, lawyer, and N. Chesaites, barrister)

Intervening party in support of the defendant: European Commission, (represented: initially by H. van Vliet and M. França, and subsequently by M. França and A. Stobiecka-Kuik, Agents)

Re:

Application for partial annulment of Council Implementing Regulation (EU) No 54/2010 of 19 January 2010 imposing a definitive anti-dumping duty on imports of ethanolamines originating in the United States of America (OJ 2010 L 17, p. 1)

Operative part of the judgment

The Court:

1. Annuls Council Implementing Regulation (EU) No 54/2010 of 19 January 2010 imposing a definitive anti-dumping duty on imports of ethanolamines originating in the United States of America in so far as it concerns The Dow Chemical Company;
2. Orders the Council of the European Union to bear its own costs and to pay those of The Dow Chemical Company;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 161, 19.6.2010.