

Action brought on 5 June 2009 — CEVA v Commission

(Case T-224/09)

(2009/C 205/74)

*Language of the case: French***Parties**

Applicant: Centre d'étude et de valorisation des algues SA (CEVA) (Pleubian, France) (represented by: J.-M. Peyrical, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- principally, declare that no contractual link exists between the European Commission and CEVA (European Research Center for Algae) and, consequently,
- annul enforcement order No 3230900440 of the European Commission of 6 April 2009;
- in the alternative, find that no statement of reasons has been provided for enforcement order No 3230900440 of the European Commission of 6 April 2009;
- declare that there is a risk of unjust enrichment of the Commission in the event that CEVA reimburses the sum of EUR 179 896 together with default interest;
- consequently, annul enforcement order No 3230900440 of the European Commission of 6 April 2009.

Pleas in law and main arguments

By this action, the applicant seeks annulment of the enforcement order by which the Commission demanded reimbursement of all the payments made on account to the applicant in the framework of contract PROTOP No EVK3-CT-2002-30004 relating to a research and technological development project.

In support of its action, the applicant puts forward three pleas alleging:

- that the enforcement order is inadmissible since no contractual link exists between the applicant and the Commission;
- failure to provide a sufficient statement of reasons, since the Commission relied on an alleged infringement of the contractual obligations by the applicant without however setting out the legal and factual reasons in support of that claim;

- infringement of the principle of unjust enrichment, since the reimbursement in full of the sum demanded by the Commission means that it would be unjustly enriched insofar as it has obtained work and studies by the applicant without however paying for them to be carried out.

Action brought on 12 June 2009 — Access Info Europe v Council

(Case T-233/09)

(2009/C 205/75)

*Language of the case: English***Parties**

Applicant: Access Info Europe (Madrid, Spain) (represented by: O. Brouwer and J. Blockx, lawyers)

Defendant: Council of the European Union

Form of order sought

- annul the contested decision;
- order the Council to pay the applicant's costs pursuant to Article 87 of the Rules of Procedure of the Court of First Instance, including the costs of any intervening parties.

Pleas in law and main arguments

The applicant seeks, pursuant to Regulation (EC) No 1049/2001⁽¹⁾, the annulment of the Council's decision to refuse full access to document 16338/08, a note from the General Secretariat to the Working Party on Information concerning the Proposal for a Regulation of the European Parliament and the Council regarding public access to European Parliament, Council and Commission documents. The Council has allegedly only granted the applicant access to a redacted version of this document, excluding those parts which enable the delegations making proposals for modifications to be identified.

The applicant submits that the contested decision should be annulled on the following grounds:

First, the applicant claims that the Council breached Article 4(3), first subparagraph of Regulation (EC) No 1049/2001 in that