do so, in the case of either exception viewed separately, to any extent sufficient to outweigh the public interest in disclosure, does the Directive require a further exercise involving the cumulation of the separate interests served by the two exceptions and their weighing together against the public interest in disclosure?

(1) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC
OJ L 41, p. 26

Appeal brought on 9 February 2010 by European Renewable Energies Federation ASBL (EREF) against the order of the Court of First Instance (Sixth Chamber) delivered on 19 November 2009 in Case T-94/07: European Renewable Energies Federation ASBL (EREF) v Commission of the European Communities

(Case C-74/10 P)

(2010/C 113/32)

Language of the case: English

Parties

Appellant: European Renewable Energies Federation ASBL (EREF) (represented by: J. Kuhbier, Rechtsanwalt)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the order of the Court of First Instance of 19 November 2009 in Case T-94/07, EREF v Commission of the European Communities, null and void;

— refer the case back for judgment to the Sixth Chamber of the General Court;

— order the European Commission to pay the procedural costs of the appeal procedure.

Pleas in law and main arguments

The Appellant asks the Court to declare the Order of the CFI of 19 November 2009 in case T-94/07 null and void and to refer it back to the General Court for reconsideration.

The Appellant contests the CFI's conclusion that its lawyer, Dr Fouquet, could not represent it before the CFI and that its application was therefore inadmissible.

The CFI considers that because Dr Fouquet was nominated as a director of EREF on 29 June 2004 she could no longer be considered an independent third party. The Appellant submits that Dr Fouquet had not been formally nominated as a director of EREF — under Belgian law such a nomination would have required official registration with the competent Belgian authorities. The director status of Dr Fouquet at EREF was titular only and not, or only to a very limited extent, linked to the power of representation.

The Appellant also submits that even if it is assumed that the position of Dr Fouquet as director was of a formal nature the CFI incorrectly applied the criteria for assessing the status of a lawyer as an independent third party. It is submitted that the CFI misunderstood both the legal situation of EREF's representative before the Court and the real distribution of tasks and obligations between Dr Fouquet and EREF. Pursuant to German law the position of Dr Fouquet as director of EREF would allow her to represent the Appellant before the Court.

Appeal brought on 9 February 2010 by European Renewable Energies Federation ASBL (EREF) against the order of the Court of First Instance (Sixth Chamber) delivered on 19 November 2009 in Case T-40/08: European Renewable Energies Federation ASBL (EREF) v Commission of the European Communities

(Case C-75/10 P)

(2010/C 113/33)

Language of the case: English

Parties

Appellant: European Renewable Energies Federation ASBL (EREF) (represented by: J. Kuhbier, Rechtsanwalt)

Other party to the proceedings: European Commission