

**Judgment of the General Court of 25 October 2013 —
Beninca v Commission**

(Case T-561/12) ⁽¹⁾

*(Access to documents — Regulation (EC) No 1049/2001 —
Document drawn up by the Commission in the context of the
merger between Deutsche Börse and NYSE Euronext —
Refusal to grant access — Exception relating to the protection
of the decision-making process)*

(2013/C 359/18)

Language of the case: English

Parties

Applicant: Jürgen Beninca (Frankfurt-am-Main, Germany) (repre-
sented by: C. Zschocke, lawyer)

Defendant: European Commission (represented by: J. Baquero
Cruz and F. Clotuche-Duvieusart, Agents)

Re:

Application for annulment of the Commission's decision of 9
October 2012 refusing access to a memorandum from the head
of the unit responsible for competition matters at the Direc-
torate-General for Enterprise and Industry

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Mr. Jürgen Beninca to pay the costs.

⁽¹⁾ OJ C 46, 16.2.2013.

**Order of the General Court of 9 October 2013 — Zinātnes,
inovāciju un testēšanas centrs v Commission**

(Case T-259/11) ⁽¹⁾

*(Action for annulment — Phare programme — Project
concerning the development of a centre for innovation and
testing of construction products — Commission decision to
undertake recovery of part of the sums paid — Lack of
direct concern — Inadmissibility)*

(2013/C 359/19)

Language of the case: Latvian

Parties

Applicant: Zinātnes, inovāciju un testēšanas centrs (Jelgava,
Latvia) (represented by: E. Darapolskis, lawyer)

Defendant: European Commission (represented by: P. van Nuffel
and A. Sauka, Agents)

Re:

Action brought by the association Zinātnes, inovāciju un
testēšanas centrs in accordance with Article 263 TFEU,
seeking annulment of the Commission's decision notified to
the Ministry of Finance of the Republic of Latvia by letter
dated 16 November 2010.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *The application for access to Commission documents is also
dismissed.*
3. *Zinātnes, inovāciju un testēšanas centrs shall pay the costs.*
4. *There is no need to adjudicate on the applications to intervene
from the Republic of Latvia and the Republic of Lithuania.*

⁽¹⁾ OJ C 252, 27.8.2011.

**Order of the General Court of 21 October 2013 — Lyder
Enterprises v CPVO — Liner Plants (1993) (SOUTHERN
SPLENDOUR)**

(Case T-367/11) ⁽¹⁾

*(Plant varieties — Application for a Community plant variety
right for the plant variety SOUTHERN SPLENDOUR —
Objections — Rejection of the application by the Board of
Appeal of the CPVO — Competence of the CPVO — Taking
of evidence — Action in part manifestly inadmissible and in
part manifestly lacking any foundation in law)*

(2013/C 359/20)

Language of the case: English

Parties

Applicant: Lyder Enterprises Ltd (Auckland, New Zealand) (rep-
resented by: G.J. Pickering, Solicitor)