

Judgment of the General Court of 15 September 2016 — Herbert Smith Freehills v Commission(Case T-755/14) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to discussions preceding the adoption of the directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products — Refusal to grant access — Exception relating to the protection of legal advice — Rights of the defence — Overriding public interest)

(2016/C 392/36)

Language of the case: English

Parties

Applicant: Herbert Smith Freehills LLP (London, United Kingdom) (represented by: P. Wytinck, lawyer)

Defendant: European Commission (represented by: P. Van Nuffel, J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Intervener in support of the defendant: Council of the European Union (represented by: E. Rebasti, J. Herrmann and M. Veiga, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking annulment of Commission Decision Gestdem 2014/2070 of 24 September 2014 refusing access to certain documents relating to the adoption of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ 2014 L 127, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Herbert Smith Freehills LLP to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Council of the European Union to bear its own costs.

⁽¹⁾ OJ C 26, 26.1.2015.

Judgment of the General Court of 15 September 2016 — Philip Morris v Commission(Case T-796/14) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents drawn up in the context of the preparatory works leading to the adoption of the directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products — Refusal to grant access — Exception relating to the protection of court proceedings and legal advice — Exception relating to the protection of the decision-making process — Overriding public interest)

(2016/C 392/37)

Language of the case: English

Parties

Applicant: Philip Morris Ltd (Richmond, United Kingdom) (represented by: K. Nordlander and M. Abenhaim, lawyers)

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

Re:

Application based on Article 263 TFEU and seeking annulment of Commission Decision Ares(2014) 3142109 of 24 September 2014, in so far as it refuses to grant the applicant full access to the requested documents, with the exception of the redacted personal data contained therein.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Philip Morris Ltd to pay the costs.*

⁽¹⁾ OJ C 56, 16.2.2015.

Judgment of the General Court of 9 September 2016 — Farahat v Council

(Case T-830/14) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Syria — Freezing of funds — Error of assessment)

(2016/C 392/38)

Language of the case: English

Parties

Applicant: Mohamed Farahat (Cairo, Egypt) (represented by: B. Kennelly, Barrister, P. Saini QC, and N. Sheikh, Solicitor)

Defendant: Council of the European Union (represented by: B. Driessen and A. Vitro, acting as Agents)

Re:

Action under Article 263 TFEU for the annulment of Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014 L 301, p. 36) and of Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2014 L 301, p. 7), in so far as those measures concern the applicant.

Operative part of the judgment

The Court:

1. *Annuls Council Implementing Decision No 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria in so far as they apply to Mohamed Farahat;*
2. *Orders the Council of the European Union to bear its own costs and to pay the costs incurred by Mr Farahat.*

⁽¹⁾ OJ C 96, 23.3.2015.