

**Judgment of the General Court of 15 September 2016 — Herbert Smith Freehills v Council**(Case T-710/14) <sup>(1)</sup>

*(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 402/43)

Language of the case: English

**Parties**

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

*Defendant:* Council of the European Union (represented by: E. Rebasti, M. Veiga and J. Herrmann, acting as Agents)

*Intervener in support of the defendant:* European Commission (represented by: P. Van Nuffel, J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

**Re:**

Application based on Article 263 TFEU and seeking annulment of Decision 18/c/01/14 of the Council of 23 July 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 Council of the European Union;
3. Orders the European Commission to bear its own costs.

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<sup>(1)</sup> OJ C 409, 17.11.2014.

**Judgment of the General Court of 15 September 2016 — Philip Morris v Commission**(Case T-800/14) <sup>(1)</sup>

*(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 legal advice — Exception relating to the protection of the decision-making process — Rights of the defence — Overriding public interest)*

(2016/C 402/44)

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) 3388066 of 29 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.

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<sup>(1)</sup> OJ C 56, 16.2.2015.

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**Judgment of the General Court of 20 September 2016 –PAN Europe v Commission**

(Case T-51/15) <sup>(1)</sup>

**(Access to documents — Regulation (EC) No 1049/2001 — Regulation (EC) No 1367/2006 — Documents relating to endocrine-disrupting chemicals — Partial refusal of access — Exception relating to the decision-making process — Article 4(3) of Regulation No 1049/2001)**

(2016/C 402/45)

*Language of the case: English*

**Parties**

*Applicant:* Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: B. Kloostra, lawyer)

*Defendant:* European Commission (represented by: A. Buchet, P. Mihaylova and J. Tomkin, acting as Agents)

*Intervener in support of the applicant:* Kingdom of Sweden (represented by: A. Falk, C. Meyer-Seitz, U. Persson, N. Otte Widgren, E. Karlsson and L. Swedenborg, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment of the Commission's Decision of 24 November 2014, under the reference Ares (2014) 3900631, in so far as it refuses access to documents relating to endocrine-disrupting chemicals.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the European Commission of 24 November 2014, under the reference Ares (2014) 3900631, in so far as it refuses access to the documents designated under numbers 9, 13, 14, 15, 16, 17, 17a, 20, 22, 24, 25, 29, 30, 31, 37, 38, 39, 41, 42 and 43, on the basis of the first subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents;
2. Dismisses the action as to the remainder;
3. Orders the Commission, in addition to bearing its own costs, to pay those incurred by Pesticide Action Network Europe (PAN Europe);
4. Declares that the Kingdom of Sweden is to pay its own costs.

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<sup>(1)</sup> OJ C 118, 13.4.2015.