

- annul or reduce the amount of the fine imposed; and
- order the Commission to bear the costs.

Pleas in law and main arguments

By its present action, the applicant seeks the annulment, in part, of Commission Decision C(2014) 2139 final of 2 April 2014 in case AT.39610 — Power Cables.

In support of the action, the applicant relies on eight pleas in law.

1. First and second pleas in law, alleging that the Commission erred in concluding that the applicant was part of the infringement covering the period 1 October 2001 through 28 January 2009.
2. Third and fourth pleas in law, alleging that Commission's application of Point 18 of the Fining Guidelines ⁽¹⁾ violates the principles of proportionality and equal protection because i) it disproportionately benefits European producers of power cables and ii) it fails to recognize significant differences in the weight in the infringement for different producers.
3. Fifth plea in law, alleging that the Commission erred by allocating sales by the applicant's shareholders to the applicant for purposes of determining the fine to be imposed.
4. Sixth plea in law, alleging that the Commission wrongly increased the proportion of the value of sales to be taken into account based on the combined market share of the parties.
5. Seventh plea in law, alleging that the Commission erred by failing to apply a reduction for mitigating circumstances.
6. Eighth plea in law by which the applicant calls on the Court to rely on its unlimited jurisdiction and significantly reduce the fine.

⁽¹⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006 C 210, p. 2).

Action brought on 11 June 2014 — ClientEarth v Commission

(Case T-424/14)

(2014/C 303/43)

Language of the case: English

Parties

Applicant: ClientEarth (London, United Kingdom) (represented by: O. Brouwer, F. Heringa and J. Wolfhagen, lawyers)

Defendant(s): European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision to refuse access to documents requested by the applicant pursuant to 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, as communicated to the Applicant on 3 April 2014 in a letter with the reference SG.B.4/LR/rc — sg.dsg2.b.4(2014) 1028887;

- order the Commission to pay the applicant's costs pursuant to Article 87 of the Rules of Procedure of the General Court, including the costs of any intervening parties.

Pleas in law and main arguments

By its present action, the applicant seeks the annulment of the Commission's decision to refuse access to the Commission's Impact Assessment Report, as well as the opinion of the Impact Assessment Board on Access to justice in environmental matters regarding the implementation of the third pillar of the Århus Convention into the law of the European Union and the law of the Member States.

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the first subparagraph of Article 4(3) of Regulation No 1049/2001 ⁽¹⁾ is not applicable and that the Commission failed to state reasons. The applicant submits that the Commission misinterpreted and erroneously invoked the exception to access to documents of the first subparagraph of Article 4(3) as the requested documents should be distinguished from the Commission's decision-making process. The applicant further submits that the Commission failed to state reasons as to why the first subparagraph of Article 4(3) is applicable.
2. Second subsidiary plea in law, alleging misapplication of the first subparagraph of Article 4(3) of Regulation No 1049/2001 and failure to state reasons. The applicant submits that even if the first subparagraph of Article 4(3) would apply, the Commission failed to establish that disclosure of the requested documents would undermine the decision-making process and failed to provide a specific explanation in this regard.
3. Third subsidiary plea in law, alleging misapplication of the overriding public interest test of the first subparagraph of Article 4(3) of Regulation No 1049/2001 and failure to state reasons. The applicant submits that even if the first subparagraph of Article 4(3) would apply, the Commission misapplied and misinterpreted the overriding public interest balancing test and failed to show that there was no overriding public interest that favoured disclosure of the requested documents. The applicant further submits that the Commission did not state sufficient reasons in this regard.

⁽¹⁾ 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 (OJ 2001 L 145, p. 43).

Action brought on 11 June 2014 — ClientEarth v Commission

(Case T-425/14)

(2014/C 303/44)

Language of the case: English

Parties

Applicant: ClientEarth (London, United Kingdom) (represented by: O. Brouwer, F. Heringa and J. Wolfhagen, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision to refuse access to documents requested by the applicant pursuant to 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, as communicated to the Applicant on 1 April 2014 in a letter with the reference SG.B.4/LR/rc-sg.dsg2.b.4(2014) 1029188;