

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Request for a preliminary ruling from the Corte Suprema di cassazione (Italy) lodged on 21 February 2014 — Agenzia delle Entrate v Aquapur Multiservizi SpA**

(Case C-307/14)

(2016/C 027/02)

*Language of the case: Italian*

**Referring court**

Corte Suprema di cassazione

**Parties to the main proceedings**

*Applicant:* Agenzia delle Entrate

*Defendant:* Aquapur Multiservizi SpA

**Questions referred**

By order of 18 November 2015 the President of the Court has ordered that the case be removed from the register.

---

**Appeal brought on 18 September 2015 by Rainer Typke against the judgment of the General Court (Third Chamber) delivered on 2 July 2015 in Case T-214/13: Rainer Typke v European Commission**

(Case C-491/15 P)

(2016/C 027/03)

*Language of the case: English*

**Parties**

*Appellant:* Rainer Typke (represented by: C. Cortese, avocate)

*Other party to the proceedings:* European Commission

**Form of order sought**

The appellant claims that the Court should:

- Set aside points 2 and 3 of the operative part of the General Court judgment of 2 July 2015 in the case T-214/13, Typke v. European Commission;
- Annul the decision adopted by the Secretary-General of the European Commission in procedure Gestdem 2012/3258

- Condemn the Commission to pay the appellant's costs in both first and second instance judicial proceedings.

### Pleas in law and main arguments

In support of the appeal, the appellant relies on a single plea in law, articulated in two main branches.

First, the General Court erred in interpreting Regulation 1049/2001<sup>(1)</sup>, and in particular its articles 3 a) and 4, paragraph 6, because it assumed that the application of the relevant articles to normalized relational databases requires a distinction between partial access to documents stored in a relational database, and bare access to information contained in it. The latter would not be covered by the Regulation's provisions on access, as it would allegedly amount to the creation of a new document. In particular, the General Court erred in concluding essentially that Regulation 1049/2001 would exclude from its scope of application a request for access to a normalized relational database requiring the formulation of an SQL search query not previously used by the requested Institution 'on a more or less regular basis for the database at issue' and 'pre-programmed', as this would allegedly not involve a search to be carried using the search tools available for the database in question, and would therefore imply the creation of a new document.

Second, the General Court erred in stating that the applicant's request did not refer to an existing document, and in any case was not included in the field of application of Regulation 1049/2001, based on the following false assumptions:

- it would not be possible for the requested Institution to answer positively to the application for access, as existing documents would be unsuitable to match the request (first instance judgement, paragraph 73) or as access to them was allegedly not requested by the applicant (first instance judgement, paragraph 67)
- the applicant's request would be framed according to a classification not supported by the relevant database, in particular because of the data processing operations they would require (first instance judgement, paragraphs 58, 66, 68; 62, 63)
- it would imply the creation of a new document containing information in a new format and according to selection criteria specified by the applicant (first instance judgement, paragraphs 61, 67)

In making all the statements criticized in the present paragraph, moreover, the General Court distorted the clear sense of evidence lodged and available before it. The same is true for the statement made by the General Court that a presumption of legality would apply in the present case as to the statement of the requested Institution that documents to which access was requested did not exist (first instance judgement, paragraph 66).

<sup>(1)</sup> 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 L 145, p. 43.

**Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Hungary)  
lodged on 22 September 2015 — Euro-Team Kft. v Budapest Rendőrfőkapitánya**

(Case C-497/15)

(2016/C 027/04)

*Language of the case: Hungarian*

### Referring court

Szegedi Közigazgatási és Munkaügyi Bíróság