

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 4 September 2018 — ClientEarth v European Commission

(Case C-57/16 P) ⁽¹⁾

(Appeal — Access to documents of the EU institutions — Regulation (EC) No 1049/2001 — Regulation (EC) No 1367/2006 — Impact assessment report, draft impact assessment report and opinion of the Impact Assessment Board — Legislative initiatives in respect of environmental matters — Refusal to grant access — Disclosure of the documents requested in the course of the proceedings — Continuing interest in bringing proceedings — Exception relating to the protection of the ongoing decision-making process of an EU institution — General presumption)

(2018/C 399/02)

Language of the case: English

Parties

Appellant: ClientEarth (represented by: O.W. Brouwer, J. Wolfhagen and F. Heringa, advocaten)

Other party to the proceedings: European Commission (represented by: F. Clotuche-Duvieusart and M. Konstantinidis, acting as Agents)

Interveners in support of the appellant: Republic of Finland (represented by: H. Leppo and J. Heliskoski, acting as Agents), Kingdom of Sweden (represented by: A. Falk, C. Meyer-Seitz, U. Persson and N. Otte Widgren, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 13 November 2015, *ClientEarth v Commission* (T-424/14 and T-425/14, EU:T:2015:848);
2. Annuls the decision of the European Commission of 1 April 2014 refusing to grant access to an impact assessment report for a proposed binding instrument setting a strategic framework for risk-based inspection and surveillance in relation to EU environmental legislation and an opinion of the Impact Assessment Board;
3. Annuls the decision of the European Commission of 3 April 2014 refusing to grant access to a draft impact assessment report relating to access to justice in environmental matters at Member State level in the field of EU environmental policy and an opinion of the Impact Assessment Board;
4. Orders the European Commission to bear its own costs and to pay those incurred by ClientEarth at first instance and on appeal;

5. Orders the Republic of Finland and the Kingdom of Sweden to bear their own costs in relation to the appeal proceedings.

⁽¹⁾ OJ C 191, 30.5.2016.

Judgment of the Court (Second Chamber) of 6 September 2018 — Bank Mellat v Council of the European Union, European Commission, United Kingdom of Great Britain and Northern Ireland

(Case C-430/16 P) ⁽¹⁾

(Appeal — Common Foreign and Security Policy (CFSP) — Combating of nuclear proliferation — Restrictive measures against the Islamic Republic of Iran — Sector-specific measures — Restrictions on transfers of funds involving Iranian financial institutions — Strengthening of restrictions — Regime at issue adopted under the provisions of Decision 2012/635/CFSP and of Regulation (EU) No 1263/2012 — Implementation of the Joint Comprehensive Plan of Action on the Iranian nuclear issue — Lifting of all restrictive measures of the European Union related to this issue — Repeal of regime at issue in the course of proceedings before the General Court of the European Union — Effect on interest in bringing proceedings before the General Court — No continuation of interest in bringing proceedings)

(2018/C 399/03)

Language of the case: English

Parties

Appellant: Bank Mellat (represented by: M. Brindle QC and T. Otty QC, J. MacLeod and R. Blakeley, Barristers, and S. Zaiwalla and Z. Burbeza, A. Meskarian and P. Reddy, Solicitors)

Other parties to the proceedings: Council of the European Union (represented by: M. Bishop and I. Rodios, acting as Agents), European Commission (represented by: D. Gauci and J. Norris-Usher and by M. Konstantinidis, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by: S. Brandon, acting as Agent, and by M. Gray, Barrister)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 2 June 2016, *Bank Mellat v Council* (T-160/13, EU:T:2016:331);
2. Declares that there is no need to adjudicate on the action brought by Bank Mellat in Case T-160/13, seeking the annulment of Article 1, point 15, of Council Regulation (EU) No 1263/2012 of 21 December 2012 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran, or of that provision in so far as it does not provide for an exception applicable in respect of Bank Mellat, and its application for a declaration by the General Court of the European Union that Article 1, point 6, of Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran is not applicable to it;
3. Orders Bank Mellat and the Council of the European Union each to bear their own costs both in the appeal proceedings and in the proceedings at first instance;