

GENERAL COURT

Judgment of the General Court of 13 October 2021 — Simpson v Council

(Case T-646/16 P-RENV-RX) ⁽¹⁾

(Appeal — Civil service — Officials — Refusal of the Council to reclassify the person concerned, after he passed an open competition, at the grade laid down in the competition notice — Dismissal of the action on the merits — Appeal — Judgment set aside — Appeal judgment reviewed by the Court of Justice and set aside — Referral back to the General Court as the appeal court — Obligation to state grounds — Equal treatment)

(2021/C 490/26)

Language of the case: English

Parties

Appellant: Erik Simpson (Brussels, Belgium) (represented by: M. Velardo, lawyer)

Other party to the proceedings: Council of the European Union (represented by: M. Bauer and R. Meyer, acting as Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (Second Chamber) of 24 June 2016, *Simpson v Council* (F-142/11 RENV, EU:F:2016:136), and seeking to have that order set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Declares that Mr Erik Simpson is to bear his own costs and to pay those incurred by the Council of the European Union in Case T-646/16 P;
3. Declares that each party is to bear its own costs in Cases T-441/18 RENV and T-646/16 P-RENV-RX.

⁽¹⁾ OJ C 419, 14.11.2016.

Judgment of the General Court of 6 October 2021 — Aeris Invest v ECB

(Case T-827/17) ⁽¹⁾

(Access to documents — Decision 2004/258/EC — Documents related to the adoption of a resolution scheme in respect of Banco Popular Español — Partial refusal to grant access — Exception relating to the protection of the confidentiality of the proceedings of the ECB's decision-making bodies — Document reflecting the outcome of the proceedings of the ECB's decision-making bodies — Obligation to state reasons — Exception relating to the protection of the financial, monetary or economic policy of the European Union or of a Member State — Exception relating to the protection of the confidentiality of information that is protected as such under EU law — Concept of confidential information — General presumption of confidentiality — Exemptions from the obligation of professional secrecy — Article 47 of the Charter of Fundamental Rights)

(2021/C 490/27)

Language of the case: Spanish

Parties

Applicant: Aeris Invest Sàrl (Luxembourg, Luxembourg) (represented by: R. Vallina Hoset and E. Galán Burgos, lawyers)

Defendant: European Central Bank (represented by: T. Filipova, D. Báez Seara and F. von Lindeiner, acting as Agents, and M. Kottmann, lawyer)

Interveners in support of the defendant: European Commission (represented by: É. Gippini Fournier, J. Rius, C. Ehrbar and A. Steiblytè, acting as Agents), Banco Santander, SA (Santander, Spain) (represented by: J. Rodríguez Cárcamo and A. Rodríguez Conde, lawyers)

Re:

Action pursuant to Article 263 TFEU for annulment of the ECB's decisions LS/MD/17/405, LS/MD/17/406 and LS/MD/17/419, of 7 November 2017, refusing full access to certain documents related to the adoption of a resolution scheme in respect of Banco Popular Español, SA.

Operative part of the judgment

The Court:

1. Annuls Decision LS/MD/17/406 of the European Central Bank (ECB) of 7 November 2017 in so far as it refuses access to the outcome of the vote in the Governing Council of the ECB contained in the minutes of the 447th meeting of the Governing Council of the ECB;
2. Dismisses the remainder of the application;
3. Orders Aeris Invest Sàrl to bear its own costs and to pay two thirds of the costs incurred by the ECB;
4. Orders the ECB to bear one third of its own costs;
5. Orders the European Commission and Banco Santander, SA to bear their own costs.

(¹) OJ C 63, 19.2.2018.

Judgment of the General Court of 6 October 2021 — OCU v ECB

(Case T-15/18) (¹)

(Access to documents — Decision 2004/258/EC — Documents relating to the adoption of a resolution scheme in respect of Banco Popular Español — Refusal to grant access — Exception relating to the protection of the confidentiality of information that is protected as such under EU law — Concept of confidential information — Exemptions from the obligation of professional secrecy — Right to a fair hearing)

(2021/C 490/28)

Language of the case: Spanish

Parties

Applicant: Organización de Consumidores y Usuarios (OCU) (Madrid, Spain) (represented by: E. Martínez Martínez and C. López-Mélida de Ramón, lawyers)

Defendant: European Central Bank (represented by: T. Filipova, D. Báez Seara and F. von Lindeiner, acting as Agents, and M. Kottmann, lawyer)

Interveners in support of the defendant: European Commission (represented by: É. Gippini Fournier, J. Rius, C. Ehrbar and A. Steiblytè, acting as Agents), Banco Santander, SA (Santander, Spain) (represented by: J. Rodríguez Cárcamo and A. Rodríguez Conde, lawyers)

Re:

Action pursuant to Article 263 TFEU for partial annulment of Decision LS/MD/17/428 of the ECB of 17 November 2017 refusing access to certain documents relating to the adoption of a resolution scheme in respect of Banco Popular Español, SA.