

3. Third plea in law, alleging infringement of the Commission's obligation to state reasons, in that the contested decision does not state the type, nature, origin or content of the information with respect to which the Commission has decided to order an inspection.
4. Fourth plea in law, alleging that the contested decision infringes the fundamental right to inviolability of the home, laid down in Article 7 of the Charter and in Article 8 of the ECHR, in that it was adopted without the Commission having sufficiently strong evidence to justify the carrying out of an inspection at the applicants' premises.
5. Fifth plea in law, alleging infringement of the principle of proportionality by reason of the adoption of the contested decision inasmuch as that decision provided for the start of the inspection on a date which is extremely disadvantageous for the applicants' activity, even though another date, significantly less restrictive for them, could have been set, without any inconvenience for the Commission. In that regard, the applicants submit that, although it concerns specifically the premises of the entity within the Casino group responsible for negotiations with suppliers, the contested decision provides for the inspection to start on 20 February 2017 or shortly thereafter, that is to say the final week of negotiations concerning the annual agreements with suppliers, which Article L. 441-7 of the French code de commerce (Commercial Code) requires should be concluded before 1 March of the current year, this being a fact of which, it is submitted, the Commission was perfectly aware.

Action brought on 3 May 2017 — RE v Commission

(Case T-257/17)

(2017/C 221/46)

Language of the case: English

Parties

Applicant: RE (represented by: S. Pappas, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- order the annulment of the Security Directorate's implied decision tacitly rejecting the applicant's confirmatory application for access to documents of 20 January 2017;
- order the defendant to pay to the applicant a fair and equitable compensation for non-material damages from the unlawful refusal to treat his access to documents application in violation of the provision of Regulation No 1049/2001 ⁽¹⁾; and,
- order the defendant to bear its own costs as well as the costs of the applicant in the current proceedings.

Pleas in law and main arguments

With the present application, the applicant asks for the annulment of the aforementioned contested implied decision for two reasons: firstly the failure of the contested decision to state reasons as regards the non-disclosure of the 15 documents requested by the applicant, which were not mentioned in the decision of 22 December 2016 that rejected the applicant's initial request for access to documents; and secondly, the lack of, or, in any case, the erroneous justification for the non-disclosure of the other documents, if it were to be considered that the reasoning of the decision of 22 December 2016 rejecting the applicant's initial request for access is incorporated in the contested implied decision.

Finally, the applicant requests the award of appropriate compensation for the moral damage he incurred, which stemmed from the administration's persistent delays and the unlawful refusal to grant him access to the documents in question, in violation of the provisions of Regulation 1049/2001.

⁽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 L 145, 2001, p. 43)