

Operative part of the judgment

The Court:

1. Dismisses Mr Karel Pinxten's application for a stay of proceedings pending the outcome of the criminal proceedings brought by the Luxembourg authorities following the transmission to those authorities of the report of the European Anti-Fraud Office (OLAF) concerning Case No OC/2016/0069/A 1;
2. Dismisses Mr Karel Pinxten's application for an order that the European Court of Auditors disclose a report drawn up following an internal audit and the measures taken as a result of that report, and also any notes from that institution relating to a possible interference with the independence of the internal auditor;
3. Orders the email sent from the President of the European Court of Auditors to the other Members of that institution and its Secretary General, dated 13 February 2019, submitted by Mr. Karel Pinxten in Annex B.10 to his defence, to be removed from the case file;
4. Finds that Mr Karel Pinxten breached the obligations arising from his office as a Member of the European Court of Auditors, within the meaning of Article 286(6) TFEU, with respect to:
 - undeclared and unlawful activity within the governing body of a political party;
 - improper use of the resources of the Court of Auditors to finance activities unrelated to the duties of a Member of that institution to the extent found in paragraphs 387 to 799 of the present judgment;
 - the use of a fuel card to purchase fuel for vehicles belonging to third parties; and
 - a conflict of interest created in the context of a relationship with the head of an audited entity;
5. Declares that Mr Karel Pinxten is deprived of two thirds of his right to a pension as from the date of delivery of the present judgment;
6. Dismisses the action as to the remainder;
7. The Court lacks jurisdiction to rule on the claim for compensation submitted by Mr Karel Pinxten;
8. Orders Mr Karel Pinxten to bear his own costs and to pay those incurred by the European Court of Auditors.

(¹) OJ C 148, 29.4.2019.

Judgment of the Court (First Chamber) of 6 October 2021 — Scandlines Danmark ApS, Scandlines Deutschland GmbH v European Commission, Kingdom of Denmark, Föreningen Svensk Sjöfart, Naturschutzbund Deutschland (NABU) eV (C-174/19 P), Stena Line Scandinavia AB v European Commission, Kingdom of Denmark, Föreningen Svensk Sjöfart (C-175/19 P)

(Joined Cases C-174/19 P and C-175/19 P) (¹)

(Appeal — Action for annulment — State aid — Public financing of the Fehmarn Belt fixed rail-road link — Individual aid — Notified aid declared compatible with the internal market — Execution of an important project of common European interest — Decision not to raise any objections — Monopoly — Distortion of competition and effect on trade)

(2021/C 481/10)

Language of the case: English

Parties

(Case C-174/19 P)

Appellants: Scandlines Danmark ApS, Scandlines Deutschland GmbH (represented by: L. Sandberg-Mørch, advokat)

Other parties to the proceedings: European Commission (represented by: V. Bottka, S. Noë and L. Armati, acting as Agents), Kingdom of Denmark (represented: initially by J. Nymann-Lindegren, and subsequently by V. Jørgensen, acting as Agents, and R. Holdgaard, advokat), Föreningen Svensk Sjöfart (represented by: J.L. Buendía Sierra, abogado), Naturschutzbund Deutschland (NABU) eV (represented by: T. Hohmuth, Rechtsanwalt, and L. Sandberg-Mørch, advokat)

Interveners in support of the appellants: Aktionsbündnis gegen eine feste Fehmarnbeltquerung eV (represented by: L. Sandberg-Mørch, advokat, and W. Mecklenburg, Rechtsanwalt), Rederi Nordö-Link AB (represented by: L. Sandberg-Mørch and A. Godsk Fallesen, advokater), Trelleborg Hamn AB (represented by: L. Sandberg-Mørch, advokat, and J.L. Buendía Sierra, abogado)

(Case C-175/19 P)

Appellant: Stena Line Scandinavia AB (represented by: L. Sandberg-Mørch, advokat, and P. Alexiadis, Solicitor)

Other parties to the proceedings: European Commission (represented by: V. Bottka, S. Noë and L. Armati, acting as Agents), Kingdom of Denmark (represented: initially by J. Nymann-Lindegren, and subsequently by V. Jørgensen, acting as Agents, and by R. Holdgaard, advokat), Föreningen Svensk Sjöfart (represented by: J.L. Buendía Sierra, abogado)

Interveners in support of the appellant: Aktionsbündnis gegen eine feste Fehmarnbeltquerung eV (represented by: L. Sandberg-Mørch, advokat, and W. Mecklenburg, Rechtsanwalt), Rederi Nordö-Link AB (represented by: L. Sandberg-Mørch and A. Godsk Fallesen, advokater), Trelleborg Hamn AB (represented by: L. Sandberg-Mørch, advokat, and J.L. Buendía Sierra, abogado)

Operative part of the judgment

The Court:

1. Dismisses the main appeals and the cross-appeals;
2. Orders Scandlines Danmark ApS, Scandlines Deutschland GmbH and Stena Line Scandinavia AB to pay, in addition to their own costs, those incurred by the European Commission in connection with the main appeals;
3. Orders the European Commission to bear its own costs in connection with the cross-appeals;
4. Orders the Kingdom of Denmark, Föreningen Svensk Sjöfart and Naturschutzbund Deutschland (NABU) eV to bear their own costs;
5. Orders Nordö-Link AB, Trelleborg Hamn AB and Aktionsbündnis gegen eine feste Fehmarnbeltquerung eV to bear their own costs.

(¹) OJ C 148, 29.4.2019.

Judgment of the Court (First Chamber) of 6 October 2021 — ClientEarth v European Commission, European Chemicals Agency

(Case C-458/19 P) (¹)

(Appeal — Action for annulment — Commission Implementing Decision C(2016) 3549 final — Authorisation for uses of bis(2-ethylhexyl) phthalate (DEHP) — Regulation (EC) No 1907/2006 — Articles 60 and 62 — Regulation (EC) No 1367/2006 — Request for internal review — Commission Decision C(2016) 8454 final — Rejection of the request)

(2021/C 481/11)

Language of the case: English

Parties

Appellant: ClientEarth (represented by: A. Jones, Barrister, and J. Stratford BL)

Other parties to the proceedings: European Commission (represented by: G. Gattinara, R. Lindenthal and K. Mifsud-Bonnici, acting as Agents), European Chemicals Agency (ECHA) (represented by: M. Heikkilä, W. Broere and F. Becker, acting as Agents)