

**Operative part of the order**

1. The application for interim measures is dismissed.
2. The costs are reserved.

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**Action brought on 5 July 2021 — Eurecna v Commission****(Case T-377/21)**

(2021/C 401/10)

*Language of the case: Italian***Parties***Applicant:* Eurecna SpA (Venice, Italy) (represented by: R. Sciaudone, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Commission of 26 April 2021 ('the contested decision') by which the Commission, confirming the previous refusal decision of 3 March 2021, rejected the applicant's request for access to the final report and its annexes drafted by the European Anti-Fraud Office (OLAF) following investigation OC/2019/0766;
- order the Commission to produce the OLAF report and its annexes;
- order the defendant to pay the costs of the present proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging incorrect interpretation of the consequences of access to the OLAF report.

The applicant claims in this regard that the contested decision must be annulled in so far as access to the OLAF report could not, according to Articles 10(1) and 2(4) of Regulation No 1049/2001, <sup>(1)</sup> be made available in the 'public domain'.

2. Second plea in law, alleging infringement of the third indent of Article 4(2) of Regulation No 1049/2001.

The applicant claims in this regard that the defendant infringed the third indent of Article 4(2) of Regulation No 1049/2001, as interpreted by the case-law, according to which, when the addressee of the OLAF report intends to adopt acts detrimental to the persons concerned, the latter have the right to access the report in question.

3. Third plea in law, alleging infringement of Article 4(1)(b) of Regulation No 1049/2001 and of the principle of proportionality.

The applicant claims in this regard that he never requested the transfer of personal information relating to physical persons, which is why any personal information potentially present in the report could very well have been protected by means of redaction of those data, which is a very common process.

4. Fourth plea in law, alleging incorrect application and interpretation of Article 4(6) of Regulation No 1049/2001.

The applicant claims in this regard that the contested decision must be annulled because the defendant did not, in reality, verify, in fact, whether partial access could be granted.

5. Fifth plea in law, alleging infringement of the obligation to state reasons.

The applicant claims in this regard that the defendant did not provide any statement of reasons regarding the applicability of the exception provided for in Article 4(3) of Regulation No 1049/2001.

6. Sixth plea in law, alleging incorrect exclusion of a public interest in disclosure.

The applicant claims in this regard that the defendant incorrectly interpreted the rights of the defence as a mere interest of a party, failing to consider that, in order to reply to the requests for financial repayment made by the Directorate-General for International Cooperation and Development (DG DEVCO), the applicant needed to access the OLAF report.

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(<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 2001 L 145, p. 43).

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**Action brought on 5 July 2021 — Vendrame v Commission**

**(Case T-379/21)**

(2021/C 401/11)

*Language of the case: Italian*

**Parties**

*Applicant:* Michele Vendrame (Venice, Italy) (represented by: R. Sciaudone, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Commission of 26 April 2021 ('the contested decision') by which the Commission, confirming the previous refusal decision of 3 March 2021, rejected the applicant's request for access to the final report and its annexes drafted by the European Anti-Fraud Office (OLAF) following investigation OC/2019/0766;
- order the Commission to produce the OLAF report and its annexes;
- order the defendant to pay the costs of the present proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging incorrect interpretation of the consequences of access to the OLAF report.

The applicant claims in this regard that the contested decision must be annulled in so far as access to the OLAF report could not, according to Articles 10(1) and 2(4) of Regulation No 1049/2001, (<sup>1</sup>) be made available in the 'public domain'.

2. Second plea in law, alleging infringement of the third indent of Article 4(2) of Regulation No 1049/2001.

The applicant claims in this regard that the defendant infringed the third indent of Article 4(2) of Regulation No 1049/2001, as interpreted by the case-law, according to which, when the addressee of the OLAF report intends to adopt acts detrimental to the persons concerned, the latter have the right to access the report in question.

3. Third plea in law, alleging infringement of Article 4(1)(b) of Regulation No 1049/2001 and of the principle of proportionality.

The applicant claims in this regard that he never requested the transfer of personal information relating to physical persons, which is why any personal information potentially present in the report could very well have been protected by means of redaction of those data, which is a very common process.