

- annul the decision of the appointing authority of the European Commission of 19 May 2021 imposing on the applicant the disciplinary penalty of removal from post without reduction of pension rights;
- annul the decision of the appointing authority of the European Commission of 15 December 2021 rejecting the applicant's complaint [*confidential*] ⁽¹⁾ under Article 90(2) of the Staff Regulations;
- order the defendant to pay the costs incurred by the applicant in the present proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 10 of Annex IX to the Staff Regulations, on the ground that the disciplinary penalty imposed on the applicant was not proportionate to the seriousness of the misconduct committed, taking into account the assessment criteria laid down in Article 10 of Annex IX to the Staff Regulations of Officials of the European Union ('the Staff Regulations') and did not take account of mitigating circumstances.
2. Second plea in law, alleging breach of the duty to state reasons. The applicant submits that the Commission did not follow the opinion of the Disciplinary Board, which recommended the penalty of downgrading within the meaning of Article 9(1)(f) of Annex IX to the Staff Regulations, without justifying its reasons for taking a different decision to the requisite legal standard.

⁽¹⁾ Confidential data omitted.

Action brought on 29 March 2022 — Saure v Commission

(Case T-165/22)

(2022/C 198/92)

Language of the case: German

Parties

Applicant: Hans-Wilhelm Saure (Berlin, Germany) (represented by: C. Partsch, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 7 February 2022 to reject the applicant's request for access to documents of the Commission by refusing to provide him with copies of all of the correspondence that it has exchanged, since 1 April 2020, with the company AstraZeneca plc or with its subsidiaries as well as with the Federal Chancellery of Germany or with the Federal Ministry of Health, relating to the company AstraZeneca plc or its subsidiaries, and in particular to the quantity of Covid-19 vaccines offered by AstraZeneca plc and its delivery deadlines;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law: The applicant has a right to access the European Commission documents at issue pursuant to Article 2(1) of Regulation (EC) No 1049/2001. ⁽¹⁾ The refusal by the Commission infringes that provision.

2. Second plea in law: The ground for exclusion laid down in the second indent of Article 4(2) of Regulation (EC) No 1049/2001 does not preclude the applicant's right of access. That ground for exclusion is limited in time and applies only to pending court proceedings and legal advice. The proceedings pending in Belgium against AstraZeneca under No 2021/48/C relate to a substantially different set of facts and have already been disposed of by the judgment of 18 June 2021.
3. Third plea in law: The ground for exclusion laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001 does not preclude the applicant's right of access. The public interest in the disclosure of personal data prevails.
4. Fourth plea in law: The ground for exclusion laid down in the first indent of Article 4(2) of Regulation (EC) No 1049/2001 does not preclude the applicant's right of access. The requested information does not contain any trade secrets within the meaning of Article 2 of Directive (EU) 2016/943, ⁽²⁾ as it is known and there have been no reasonable steps to keep it secret.

⁽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 2001 L 145, p. 43).

⁽²⁾ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ 2016 L 157, p. 1).

Order of the General Court of 7 March 2022 — El Corte Inglés v EUIPO — Rudolf Böckenholt (LLOYD'S)

(Case T-400/20) ⁽¹⁾

(2022/C 198/93)

Language of the case: English

The President of the Ninth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 262, 10.8.2020.

Order of the General Court of 17 March 2022 — Alcogroup and Alcodis v Commission

(Case T-740/21) ⁽¹⁾

(2022/C 198/94)

Language of the case: French

The President of the Seventh Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 24, 17.1.2022.
