

Communities in case T-14/98 between Heidi Hautala, Member of the European Parliament, supported by the Republic of Finland and the Kingdom of Sweden, and the Council of the European Union, supported by the French Republic, was brought before the Court of Justice of the European Communities on 22 September 1999 by the Council of the European Union, represented by Mrs Jill Aussant, Director, Mr Giorgio Maganza, Director, and Mr Martin Bauer, Legal Adviser, acting as agents, with an address for service in Luxembourg at the office of Mr Alessandro Morbilli, Director of the Legal Affairs Directorate of the European Investment Bank, 100 Boulevard Konrad Adenauer, Kirchberg.

The Appellant claims that the Court should:

- set aside the decision of the Court of First Instance of 19 July 1999 by which it:
 - annuls the Council's decision of 4 November 1997 refusing the Respondent access to the report of the Working group on Conventional Arms Exports;
 - orders the Council to pay the costs of the proceedings;
- decide to give final judgment in the matter, dismiss the Application at First Instance as unfounded and order the Applicant at First Instance to pay the costs of the proceedings before the Court of First Instance;
- decide on the costs of this appeal as it sees fit.

Pleas in law and main arguments

The Council's appeal is based on the ground that the Court of First Instance committed a fundamental error of law in interpreting Article 4(1) of the decision⁽²⁾ on public access to Council documents as legally requiring the Council to consider whether access should be given to parts of a document to which access is requested.

According to the Council, the Court of First Instance:

- i) incorrectly construed the legal effect of the decision on public access to Council documents;
- ii) misconstrued the objective of the decision on public access to Council documents;
- iii) misapplied the principle of proportionality.

⁽¹⁾ OJ C 72, 7.3.1998, p. 27.

⁽²⁾ Council Decision 93/731/EC of 20.12.1993 (OJ L 340, 31.12.1993, p. 43).

Removal from the register of Case C-316/98 P⁽¹⁾

(1999/C 333/46)

By order of 2 February 1999 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-316/98 P: Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises (UEAPME) v Council of the European Communities.

⁽¹⁾ OJ C 312 of 10.10.1998.

Removal from the register of Case C-335/98⁽¹⁾

(1999/C 333/47)

By order of 21 May 1999 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-335/98: Commission of the European Communities v Italian Republic.

⁽¹⁾ OJ C 327 of 24.10.1998.

Removal from the register of Case C-388/98⁽¹⁾

(1999/C 333/48)

By order of 11 June 1999 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-388/98: Commission of the European Communities v Hellenic Republic.

⁽¹⁾ OJ C 397 of 19.12.1998.

Removal from the register of Case C-338/96⁽¹⁾

(1999/C 333/49)

By order of 21 June 1999 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-338/96 (reference for a preliminary ruling from Genova): Ignazio Messina & C. SpA v Amministrazione delle Finanze dello Stato.

⁽¹⁾ OJ C 370 of 7.12.1996.