

Appeal brought on 18 August 2016 by Pénzügyi Ismeretterjesztő és Érdek-képviselési Egyesület (PITEE) against the order of the General Court (Fourth Chamber) made on 20 July 2016 in Case T-674/15, Pénzügyi Ismeretterjesztő és Érdek-képviselési Egyesület (PITEE) v European Commission

(Case C-464/16 P)

(2016/C 402/22)

Language of the case: German

Parties

Appellant: Pénzügyi Ismeretterjesztő és Érdek-képviselési Egyesület (PITEE) (represented by: D. Lazar, lawyer)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

1. set aside the decision of the General Court of 20 July 2016 in Case T-674/15 in its entirety;
2. annul the Commission's decisions of 9 October 2015 (Ares (2015)4207700) and of 14 August 2015 (Ares (2015) 3532556), refusing to provide the appellant with access to documents;
3. order the Commission to make all of the Hungarian Government's documents relating to EU Pilot Case 6874/14/JUST (CHAP (2015)00353 and CHAP (2015)00555) fully accessible to the appellant, irrespective of whether they are already available or are to be made available only in the future;
4. order the Commission to pay the costs of the proceedings.

Grounds of appeal and main arguments

The main grounds of the appeal brought against the abovementioned decision of the General Court are as follows:

In accordance with the settled case-law of the Court of Justice, a party within the meaning of the Statute of the Court of Justice is not authorised to act on its own before the Court, but must use the services of a third party. ⁽¹⁾

In addition, lawyers occupying management positions on the executive bodies of a legal person should not defend the interests of those persons before the European Union Courts. ⁽²⁾

The settled case-law of the Court of Justice infringes Article 47 of the Charter of Fundamental Rights of the European Union as well as Article 6(3) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

It is not clear from the case-law of the Court of Justice which legitimate objective the Court is pursuing by its interpretation of the Statute. Furthermore, it is unclear by means of which interpretation the Court has concluded that the legal representative must be an independent third party. In any event, the Statute does not contain this expression.

The Statute of the Court of Justice is to be interpreted as meaning that each party and each legal person are free to choose their legal representative.

⁽¹⁾ Order of 5 December 1996, *Lopes v Court of Justice*, C-174/96 P, EU:C:1996:473, paragraph 11; order of 21 November 2007, *Correia de Matos v Parliament*, C-502/06 P, not published, EU:C:2007:696, paragraph 11; order of 29 September 2010, *EREF v Commission*, C-74/10 P and C-75/10 P, not published, EU:C:2010:557, paragraph 54.

⁽²⁾ Order of 8 December 1999, *Euro-Lex v OHIM (EU-Lex)*, T-79/99, EU:T:1999:312, paragraph 29; order of 13 January 2005, *Suivida v Commission*, T-184/04, EU:T:2005:7, paragraph 10; order of 30 November 2012, *Activa Preferentes v Council*, T-437/12, not published, EU:T:2012:638, paragraph 7.