

Action brought on 9 December 2016 — Verschuur v Commission**(Case T-877/16)**

(2017/C 053/42)

*Language of the case: English***Parties***Applicant:* Steven Verschuur (Baarn, Netherlands) (represented by: P. Kreijger, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Commission of 3 October 2016, C(2016) 6455 final, rejecting the applicant's confirmatory application ⁽¹⁾ for access to documents under Regulation (EC) 1049/2001 ⁽²⁾ (GESTDEM 2015/3732); and
- order the Commission to pay the costs of the proceedings, including the costs incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission violated Article 4(2), third indent, of Regulation 1049/2001 related to the protection of the purpose of investigations, thereby also committing a manifest error of fact.
2. Second plea in law, alleging that the Commission violated the first subparagraph of Article 4(3) of Regulation 1049/2001 related to the protection of the Commission's decision making process, thereby also giving an inadequate statement of reasons.
3. Third plea in law, alleging that the Commission violated Article 4(2), first indent, of Regulation 1049/2001, related to the protection of the commercial interests of a legal person, and Article 4(6) of Regulation 1049/2001, related to the institution's obligation to grant partial access when only parts of a document are covered by one or more exceptions, thereby also giving an inadequate statement of reasons.

⁽¹⁾ Application for access to some documents related to the Commission's decision of 21 October 2015 in case SA.38374, State aid implemented by the Netherlands to Starbucks.

⁽²⁾ 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 L 145, 2001, p. 43).

Action brought on 14 December 2016 — Sony Interactive Entertainment Europe/EUIPO — Marpefa (Vieta)**(Case T-879/16)**

(2017/C 053/43)

*Language in which the application was lodged: English***Parties***Applicant:* Sony Interactive Entertainment Europe Ltd (London, United Kingdom) (represented by: S. Malynicz, QC)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Marpefa, SL (Barcelona, Spain)