

## GENERAL COURT

### Judgment of the General Court of 9 June 2010 — *Éditions Jacob v Commission*

(Case T-237/05) <sup>(1)</sup>

*(Access to documents of the institutions — Regulation (EC) No 1049/2001 — Documents relating to a procedure concerning a merger between undertakings — Regulation (EC) No 4064/89 — Regulation (EC) No 139/2004 — Regulation (EC) No 802/2004 — Refusal to grant access — Exception relating to the protection of investigations and audits — Exception relating to the protection of commercial interests — Exception relating to the protection of the decision-making process — Exception relating to the protection of legal advice)*

(2010/C 209/45)

Language of the case: French

#### Parties

*Applicant:* Éditions Odile Jacob SAS (Paris, France) (represented by: initially W. van Weert and O. Fréget, later O. Fréget, lawyers)

*Defendant:* European Commission (represented by: X. Lewis, P. Costa de Oliveira and O. Beynet, agents)

*Intervener in support of the defendant:* Lagardère SCA (represented by initially A. Winckler, S. Sorinas Jimeno and I. Girgenson, later A. Winckler, F. de Bure and J. B. Pinçon, lawyers)

#### Re:

Annulment of the Commission decision of 7 April 2005 dismissing in part the applicant's request seeking access to certain documents relating to a procedure concerning a merger between undertakings (Case No COMP/M.2978 — Lagardère/Natexis/VUP),

#### Operative part of the judgment

The Court:

1. Declares that there is no further need to rule on the lawfulness of the Decision D(2005) 3286 of the Commission of the European Communities of 7 April 2005, as it refused total or partial access to the documents set out at paragraph 1(a) to (c) and at paragraph 2(h) and (j) of this judgment

2. Annuls Decision D(2005) 3286 in so far as it refuses to grant total access to the documents referred to in paragraph 1(d), (e), (g), (h) and (i) and paragraph 2(b) to (d), (f), (g) and (i) of the present judgment, with the exception of the opinion of the Commission's legal service referred to in paragraph 1(g) of the present judgment.

3. Annuls Decision D(2005) 3286 in so far as it refuses to grant partial access to the documents referred to in paragraph 1(d),(e),(g) and (h) and paragraph 2(b) to (d), (f),(g) and (i) of the present judgment.

4. Dismisses the action as to the remainder.

5. Orders the Commission to bear its own costs and to pay nine tenths of the costs incurred by Éditions Odile Jacob SAS.

6. Orders Lagardère SCA to bear its own costs.

<sup>(1)</sup> OJ C 205 of 20.8.2005.

### Judgment of the General Court of 15 June 2010 — *Mediaset v Commission*

(Case T-177/07) <sup>(1)</sup>

*(State aid — Telecommunications — Subsidised purchase of digital decoders — Decision declaring the aid incompatible with the common market and ordering its recovery — Concept of State aid — Exclusion of decoders for the reception of television programmes broadcast by satellite — Advantage — Selective nature — Adverse effect on competition — Obligation to state reasons)*

(2010/C 209/46)

Language of the case: English

#### Parties

*Applicant:* Mediaset SpA (Milan, Italy) (represented by: K. Adamantopoulos, G. Rossi, E. Petritsi and A. Nucara, lawyers, and by D. O'Keefe and P. Boyle, Solicitors)

*Defendant:* European Commission (represented by: B. Martenczuk, G. Conte and E. Righini, acting as Agents)