

GENERAL COURT

Judgment of the General Court of 21 November 2018 — Stichting Greenpeace Nederland and PAN Europe v Commission

(Case T-545/11 RENV) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the first authorisation of the placing on the market of the active substance ‘glyphosate’ — Partial refusal of access — Exception relating to the protection of the commercial interests of a third party — Article 4(5) of Regulation No 1049/2001 — Overriding public interest — Regulation (EC) No 1367/2006 — Article 6(1) of Regulation No 1367/2006 — Directive 91/414/EEC)

(2019/C 35/20)

Language of the case: English

Parties

Applicants: Stichting Greenpeace Nederland (Amsterdam, Netherlands), Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: B. Kloostra and A. van den Biesen, lawyers)

Defendant: European Commission (represented by: A. Buchet, P. Ondrůšek and L. Pignataro-Nolin, acting as Agents)

Intervener in support of the applicants: Kingdom of Sweden (represented by: A. Falk, C. Meyer-Seitz, H. Shev, L. Swedenborg and F. Bergius, acting as Agents)

Interveners in support of the defendant: Federal Republic of Germany (represented by: T. Henze and D. Klebs, acting as Agents), European Chemical Industry Council (Cefic) (Brussels) and Association européenne pour la protection des cultures (ECPA) (Brussels) (represented by: I. Antypas and D. Waelbroeck, lawyers), CropLife International AISBL (CLI) (Brussels) (represented by: R. Cana, E. Mullier, lawyers, and D. Abrahams, Barrister), CropLife America Inc. (Washington, DC, United States), National Association of Manufacturers of the United States of America (NAM) (Washington) and America Chemistry Council Inc. (ACC) (Washington) (represented initially by: M. Abenhaïm and K. Nordlander, lawyers, subsequently by K. Nordlander, lawyer, and M. Zdzieborska, Solicitor, and finally by K. Nordlander and Y.-A. Benizri, lawyers, and M. Zdzieborska, Solicitor), and European Crop Care Association (ECCA) (Brussels) (represented by: S. Pappas, lawyer)

Re:

Application under Article 263 TFEU seeking annulment of the Commission decision of 10 August 2011 refusing access to volume 4 of the Draft Assessment Report issued by the Federal Republic of Germany, as rapporteur Member State for the active substance ‘glyphosate’, under Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Stichting Greenpeace Nederland and Pesticide Action Network Europe (PAN Europe) to pay the costs;
3. Orders the Kingdom of Sweden and the Federal Republic of Germany to bear their own costs.

⁽¹⁾ OJ C 355, 3.12.2011.