

Order of the General Court of 29 September 2014 — Ronja v Commission(Case T-3/13) ⁽¹⁾

(Action for annulment — Access to documents — Regulation (EC) 1049/2001 — Documents exchanged in connection with a complaint concerning the transposition of Directive 2001/37/EC — Documents emanating from a Member State — Objection made by the Member State — Partial refusal of access — Decision granting full access following a measure of organisation of procedure — No need to adjudicate — Documents emanating from the Commission — Decision granting full access — Failure by the Commission to initiate proceedings for failure to fulfil obligations against Austria — Inadmissibility)

(2014/C 409/57)

Language of the case: German

Parties

Applicant: Ronja s.r.o. (Znojmo, Czech Republic) (represented by: E. Engin-Deniz, lawyer)

Defendant: European Commission (represented by: M. Noll-Ehlers and C. Zadra, acting as Agents)

Re:

Application, firstly, for annulment of the decisions of the Commission of 6 September and 8 November 2012 refusing to grant the applicant full access to certain letters exchanged between the Commission and the Republic of Austria concerning complaint No 2008/4340 relating to the transposition of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ 2001 L 194, p. 26) and, secondly, for a declaration that the Commission unlawfully failed to initiate proceedings for failure to fulfil obligations against the Republic of Austria for infringement of Article 13 of Directive 2001/37 and Article 34 TFEU.

Operative part of the order

1. There is no longer any need to adjudicate on the second head of claim of Ronja s.r.o. in so far as it concerns the annulment of the decision of the European Commission of 8 November 2012 refusing to grant full access to the letters from the Republic of Austria of 19 February and 8 May 2009 sent to the Commission and exchanged between them in relation to complaint No 2008/4340 made by Ronja relating to the transposition of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ 2001 L 194, p. 26).
2. The remainder of the action is dismissed as inadmissible.
3. Ronja shall bear its own costs and those incurred by the Commission in respect of the claim for annulment in so far as it is directed against the decision of the Commission of 6 September 2012, by which the Commission granted access to the letters of 23 December 2008 and 18 March 2009, sent to the Republic of Austria and exchanged between them in relation to complaint No 2008/4340, that claim seeking full access to the documentation requested, and the claim seeking a declaration that the Commission unlawfully failed to initiate proceedings for failure to fulfil obligations against the Republic of Austria.
4. The Commission shall bearing its own costs and pay the costs incurred by Ronja in respect of the claim for annulment in so far as it is directed against its decision of 8 November 2012.

⁽¹⁾ OJ C 79, 16.3.2013.