



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from : Council Legal Service
to : COREPER I

Subject : **Case before the General Court**

- **Case T-128/14** (Daimler AG against the European Commission)
- **Application** for partial annulment of the Commission decision dated 13 December 2013 (GESTDEM 2013/4643)
= **Council intervention** before the General Court in support of the Commission

1. On 21 February 2014, Daimler AG brought an action, pursuant to Article 263(4) TFEU, against the Commission on account of its decision of 13 December 2013 in case GESTDEM 2013/4643 - Public access to documents ("the Decision"). With this Decision the Commission rejected the applicant's request for access to documents relating to proceedings pursuant to Article 29 of Directive 2007/46/EC on motor vehicles¹.

¹ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007, establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. OJ L 263, 9.10.2007, p. 1.

2. In this case T-128/14, the applicant raises 4 pleas in law. In the context of the second plea, based on an alleged breach of the applicant's rights under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the 'Aarhus Convention'), the applicant claims that Article 6(1) of Regulation (EC) No 1367/2006 on the application of the Aarhus Convention² and Article 4(2) 3rd indent of Regulation (EC) No 1049/2001 on access to documents³ are an insufficient application of the Aarhus Convention. The applicant maintains in particular that these provisions unduly extend the reasons of refusal for access to documents beyond those permitted under Article 4(4) (c) of the Aarhus Convention.
3. Since the applicant has called into question the legality of Regulation (EC) No 1367/2006 and Regulation (EC) No 1049/2001, the Council has to intervene in this case, in order to defend the legality of its acts. In accordance with the Council's practice, the Council agents will limit their arguments to the defence of the legality of these acts and will not intervene on other points.
4. The Director-General of the Council Legal Service has appointed Mrs. Marion SIMM and Mrs. Anne Funch JENSEN, legal advisers in the Council Legal Service, as the Council's agents in this case. The agents have presented, on behalf of the Council, an application to intervene pursuant to Article 53 and 40 of the Statute of the Court of Justice and to Articles 115(1) and 116(2) of the Rules of Procedure of the General Court.

² Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies. OJ L 264, 25.9.2006, p. 13.

³ 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, 31.5.2001, p. 43.