

GENERAL COURT

Judgment of the General Court of 11 July 2013 — BVGD v Commission

(Joined Cases T-104/07 and T-339/08) ⁽¹⁾

(Competition — Agreements and abuse of a dominant position — Rough diamond market — ‘Supplier of Choice’ (SOC) system of distribution — Decision rejecting a complaint — No Community interest — Legal basis — Procedural rights of a complainant — Access to documents — Obligations in relation to the investigation of a complaint — Market foreclosure effects — Manifest error of assessment)

(2013/C 252/41)

Language of the case: English

Parties

Applicant: Belgische Vereniging van handelaars in- en uitvoerders geslepen diamant (BVG D) (Antwerp, Belgium) (represented: initially by L. Levi and C. Ronzi and, in Case T-104/07, by G. Vandersanden, and subsequently by L. Levi and M. Vandebussche, lawyers)

Defendant: European Commission (represented: initially by F. Castillo de la Torre, R. Sauer and J. Bourke, and subsequently by F. Castillo de la Torre and R. Sauer, Agents, and, in Case T-104/07, initially by S. Drakakakis, lawyer, and by T. Soames, Solicitor, and subsequently by T. Soames, and, in Case T-339/08, by T. Soames)

Interveners in support of the defendant: De Beers (Luxembourg, Luxembourg); and De Beers UK Ltd, formerly The Diamond Trading Co. Ltd (London, United Kingdom) (represented: initially by W. Allan and S. Horwitz, Solicitors, and subsequently by W. Allan, J. Ysewyn, lawyer, and N. Gràcia Malfeito, Solicitor, and lastly by N. Gràcia Malfeito, B. van de Walle de Ghelcke, J. Marchandise, lawyers, and P. Riedel, Solicitor)

Re:

Applications for the annulment of the Commission’s Decisions of 26 January 2007 (Case COMP/39.221/B-2 — BVGD/De Beers) and of 5 June 2008 (Case COMP/39.221/E-2 — De Beers/DTC Supplier of Choice) rejecting the applicant’s complaint against the interveners alleging infringement of Articles 81 EC and 82 EC in the rough diamond market through their use of distribution agreements known as ‘Supplier of Choice’ (SOC) arrangements.

Operative part of the judgment

The Court:

1. Dismisses the actions;

2. Orders Belgische Vereniging van handelaars in- en uitvoerders geslepen diamant (BVG D) to bear its own costs and to pay those incurred by the European Commission;

3. Orders De Beers and De Beers UK Ltd to bear their own costs.

⁽¹⁾ OJ C 129, 9.6.2007.

Judgment of the General Court of 11 July 2013 — Spira v Commission

(Joined Cases T-108/07 and T-354/08) ⁽¹⁾

(Competition — Agreements and abuse of a dominant position — Rough diamond market — ‘Supplier of Choice’ (SOC) system of distribution — Decision rejecting a complaint — No Community interest — Procedural rights of a complainant — Access to documents — Obligations in relation to the investigation of a complaint — Market foreclosure effects — Manifest error of assessment)

(2013/C 252/42)

Language of the case: English

Parties

Applicant: Diamanthandel A. Spira BVBA (Antwerp, Belgium) (represented by: Y. van Gerven, F. Louis, A. Vallery and J. Bourgeois, lawyers)

Defendant: European Commission (represented: initially by F. Castillo de la Torre, R. Sauer and J. Bourke, and subsequently by F. Castillo de la Torre and R. Sauer, Agents, and, in Case T-108/07, initially by S. Drakakakis, lawyer, and T. Soames, Solicitor, and subsequently by T. Soames and, in Case T-354/08, by T. Soames)

Interveners in support of the defendant: De Beers (Luxembourg, Luxembourg); and De Beers UK Ltd, formerly The Diamond Trading Co. Ltd (London, United Kingdom) (represented: initially by W. Allan and S. Horwitz, Solicitors, and J. Ysewyn, lawyer, and subsequently by W. Allan, J. Ysewyn and N. Gràcia Malfeito, Solicitor, and lastly by N. Gràcia Malfeito, B. van de Walle de Ghelcke, J. Marchandise, lawyers, and P. Riedel, Solicitor)

Re:

Applications for the annulment of the Commission’s Decisions of 26 January 2007 (Case COMP/38.826/B-2 — Spira/De Beers/DTC Supplier of Choice) and of 5 June 2008 (Case COMP/38.826/E-2 — De Beers/DTC Supplier of Choice) rejecting the applicant’s complaint against the interveners alleging infringement of Articles 81 EC and 82 EC in the rough diamond market through their use of distribution agreements known as ‘Supplier of Choice’ (SOC) arrangements.