

GENERAL COURT

Judgment of the General Court of 5 September 2014 — *Éditions Odile Jacob v Commission*

(Case T-471/11) ⁽¹⁾

(Competition — Concentrations — Book publishing market — Decision declaring the concentration compatible with the common market subject to sale of assets — Decision approving the purchaser of the assets sold — Decision taken following the annulment by the General Court of the initial decision concerning the same procedure — Legal interest in bringing proceedings — Breach of Article 266 TFEU — Failure to comply with the commitments imposed by the conditional clearance decision — Distinction between conditions and obligations — Principle of non-retroactivity — Assessment of the prospective purchaser — Purchaser's independence from the seller — Misuse of power — Obligation to state reasons)

(2014/C 372/16)

Language of the case: French

Parties

Applicant: *Éditions Odile Jacob SAS* (Paris, France) (represented initially by O. Fréget, M. Struys and L. Eskenazi, then by O. Fréget, L. Eskenazi and D. Béranger and lastly by O. Fréget and L. Eskenazi, lawyers)

Defendant: European Commission (represented by: C. Giolito, O. Beynet and S. Noë, acting as Agents)

Interveners in support of the defendant: *Lagardère SCA* (Paris, France) (represented by: A. Winckler, F. de Bure, J.-B. Pinçon and L. Bary, lawyers); and *Wendel* (Paris) (represented by: M. Trabucchi, F. Gordon and A. Gosset-Grainville, lawyers)

Re:

Application for annulment of Commission Decision C (2011) 3503 of 13 May 2011, adopted in Case COMP/M.2978 — *Lagardère/Natexis/VUP* following the judgment of 13 September 2010 in *Éditions Odile Jacob v Commission* (T-452/04, ECR, EU:T:2010:385), by which the Commission once again approved *Wendel Investissement* as purchaser of the assets sold pursuant to the commitments attached to the Commission's decision of 7 January 2004 authorising the concentration *Lagardère/Natexis/VUP*.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders *Éditions Odile Jacob SAS* to pay the costs, including those incurred in the proceedings for interim measures.

⁽¹⁾ OJ C 305, 15.10.2011.

Judgment of the General Court of 9 September 2014 — *MasterCard and Others v Commission*

(Case T-516/11) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to a study of the costs and benefits to merchants of accepting different payment methods — Documents drawn up by a third party — Refusal of access — Exception relating to the protection of the decision-making process — Exception relating to the protection of the commercial interests of a third party)

(2014/C 372/17)

Language of the case: English

Parties

Applicants: *MasterCard, Inc.* (Wilmington, Delaware, United States); *MasterCard International, Inc.*, (New York, New York, United States); and *MasterCard Europe* (Waterloo, Belgium) (represented initially by B. Amory, V. Brophy and S. McInnes, and subsequently by B. Amory and V. Brophy, lawyers)