

Case T-87/92

**BVBA Kruidvat**  
v  
**Commission of the European Communities**  
(Intervention)

Order of the Court of First Instance (First Chamber), 8 December 1993 ..... II - 1363

Summary of the Order

*Procedure — Intervention — Persons having an interest — Case concerning the validity of a decision applying the competition rules — Action for the annulment of a decision exempting a system of selective distribution for de luxe cosmetics — Undertaking in whose favour the exemption is granted*

*(EEC Statute of the Court of Justice, Art. 37, second para.; Rules of Procedure of the Court of First Instance, Art. 115)*

ORDER OF THE COURT OF FIRST INSTANCE (First Chamber)  
8 December 1993<sup>\*</sup>

In Case T-87/92,

**BVBA Kruidvat**, a company governed by Belgian law, established in Saint-Nicolas, Belgium, represented by Onno Willem Brouwer, of the Amsterdam Bar, and Yves van Gerven, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Marc Loesch, 11 Rue Goethe,

applicant,

<sup>\*</sup> Language of the case: Dutch.

**Commission of the European Communities**, represented by Berend-Jan Drijber, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Nicola Anecchino, of its Legal Service, Wagner Centre, Kirchberg,

defendant,

APPLICATION for the annulment of Commission Decision 92/428/EEC of 24 July 1992 relating to a proceeding under Article 85 of the EEC Treaty (Case No IV/33.542 — Parfums Givenchy system of selective distribution) (OJ 1992 L 236, p. 11, 'the Parfums Givenchy decision'),

THE COURT OF FIRST INSTANCE  
OF THE EUROPEAN COMMUNITIES (First Chamber),

composed of: R. Schintgen, President, R. García-Valdecasas, H. Kirschner, K. Lenaerts and C. W. Bellamy, Judges,

Registrar: H. Jung,

makes the following

**Order**

- 1 By application lodged at the Registry of the Court of First Instance on 11 March 1993, Parfums Givenchy SA, a company governed by French law, established at Levallois-Perret, France, represented by François Bizet, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand-Rue, sought leave to intervene in Case T-87/92 in support of the defendant.

- 2 The application to intervene was made in accordance with Article 115 of the Rules of Procedure of the Court of First Instance and was submitted pursuant to the second paragraph of Article 37 of the (EEC) Statute of the Court of Justice which, by virtue of the first paragraph of Article 46 thereof, applies to proceedings before the Court of First Instance.
  
- 3 Pursuant to the third subparagraph of Article 116(1) of the Rules of Procedure, the President of the First Chamber referred the application to intervene to the chamber.
  
- 4 In its application to intervene, Parfums Givenchy states, *inter alia*, that it is the addressee of the decision contested by the applicant. The present proceedings are capable of affecting its interests directly in so far as it has set up its network of authorized retailers throughout the Community in accordance with its authorized retailer contract and the general conditions of sale annexed thereto, as exempted by the Commission in that decision.
  
- 5 The application to intervene was served on the parties in accordance with Article 116(1) of the Rules of Procedure.
  
- 6 By document lodged at the Court Registry on 22 March 1993, the defendant informed the Court that it had no objection to Parfums Givenchy's application to intervene. By document lodged on 1 April 1993, the applicant informed the Court that it did not object to the application to intervene.

7 Pursuant to the second paragraph of Article 37 of the (EEC) Statute of the Court of Justice, the right to intervene in cases before the Court is open to any person establishing an interest in the result of the case.

8 Since the application seeks the annulment of a decision of the Commission declaring the provisions of Article 85(1) of the EEC Treaty inapplicable to the standard-form authorized retailer contract binding Parfums Givenchy or, where appropriate, its exclusive agents, to its specialized retailers established in the Community, and to the general conditions of sale annexed thereto, Parfums Givenchy has an interest in intervening in the present case in support of the defendant.

On those grounds,

THE COURT OF FIRST INSTANCE (First Chamber)

hereby orders:

1. Parfums Givenchy SA is granted leave to intervene in Case T-87/92 in support of the form of order sought by the defendant.
2. A period shall be prescribed in which the intervener must state in writing the pleas relied on in support of the form of order which it seeks.

3. The Registrar shall serve on the intervener a copy of every document served on the parties.

4. Costs are reserved.

Luxembourg, 8 December 1993.

H. Jung

Registrar

R. Schintgen

President