

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 (BVGd) (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 (BVGd) 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.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Diamanthandel A. Spira BVBA 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 (Fifth Chamber) of 11 July 2013 — Hangzhou Duralamp Electronics v Council

(Case T-459/07) ⁽¹⁾

(Dumping — Imports of integrated electronic compact fluorescent lamps (CFL-i) originating in China, Vietnam, Pakistan and the Philippines — Expiry of anti-dumping measures — Review — Like product — Data used to determine the injury — Analogue country — Community interest — Article 4(1) and Article 5(4) of Regulation (EC) No 384/96 (now Article 4(1) and Article 5(4) of Regulation (EC) No 1225/2009) — Obligation to state reasons — Rights of the defence)

(2013/C 252/43)

Language of the case: English

Parties

Applicant: Hangzhou Duralamp Electronics Co., Ltd (Hangzhou, China) (represented by: M. Gambardella and V. Villante, lawyers)

Defendant: Council of the European Union (represented by: initially by J.-P. Hix, and subsequently by J.-P. Hix and B. Driessen, acting as Agents, and by G. Berrisch and G. Wolf, and subsequently G. Berrisch, lawyers)

Interveners in support of the defendant: European Commission (represented by: H. van Vliet and K. Talabér-Ritz, Agents); and by Osram GmbH (Munich, Germany) (represented by: R. Bierwagen, lawyer)

Re:

Application for annulment of Council Regulation (EC) No 1205/2007 of 15 October 2007 imposing anti-dumping duties on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 and extending to imports of the same product consigned from the Socialist Republic of Vietnam, the Islamic Republic of Pakistan and the Republic of the Philippines (OJ 2007 L 272, p. 1)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hangzhou Duralamp Electronics Co., Ltd to bear its own costs and to pay those incurred by the Council of the European Union and by Osram GmbH;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 51, 23.2.2008.

Judgment of the General Court of 11 July 2013 — Philips Lighting Poland and Philips Lighting v Council

(Case T-469/07) ⁽¹⁾

(Dumping — Imports of integrated electronic compact fluorescent lamps (CFL-i) originating in China, Vietnam, Pakistan and the Philippines — Expiry of anti-dumping measures — Review — Articles 4(1), 5(4) and 9(1) of Regulation (EC) No 384/96 (now Articles 4(1), 5(4), and 9(1) of Regulation (EC) No 1225/2009) — Concept of Community industry — Determination of injury — Obligation to state the reasons)

(2013/C 252/44)

Language of the case: English

Parties

Applicants: Philips Lighting Poland S.A. (Piła, Poland), and Philips Lighting BV (Eindhoven, Netherlands) (represented by: L. Catrain González, lawyer, and E. Wright, Barrister)

Defendant: Council of the European Union (represented by: initially J.-P. Hix, Agent, and by G. Berrisch and G. Wolf, lawyers, and subsequently by J.-P. Hix and B. Driessen, Agents, and by G. Berrisch)

Interveners in support of the applicants: Hangzhou Duralamp Electronics Co., Ltd, (Hangzhou, China) (represented by: M. Gambardella and V. Villante, lawyers), and GE Hungary Ipari és Kereskedelmi Zrt. (GE Hungary Zrt) (Budapest, Hungary) (represented by: P. De Baere, lawyer)

Interveners in support of the defendant: European Commission (represented by: H. van Vliet and K. Talabér Ritz, Agents), and Osram GmbH (Munich, Germany) (represented by: R. Bierwagen, lawyer)

Re:

Application for the annulment of Council Regulation (EC) No 1205/2007 of 15 October 2007 imposing anti-dumping duties on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 and extending to imports of the same product consigned from the Socialist Republic of Vietnam, the Islamic Republic of Pakistan and the Republic of the Philippines (OJ 2007 L 272, p. 1).