



C/2024/4484

22.7.2024

**Action brought on 3 June 2024 – Brasserie Nationale and Munhowen v Commission**

**(Case T-289/24)**

(C/2024/4484)

*Language of the case: French*

**Parties**

*Applicants:* Brasserie Nationale (formerly Brasserie Funck Bricher and Brasserie Bofferding) (Bascharage, Luxembourg), Munhowen SA (Ehlerange, Luxembourg) represented by: J.-L. Schiltz and G. Parleani, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- declare the present direct action, brought against the decision of the European Commission of 14 March 2024 in the Case Munhowen-Brasserie Nationale v Boissons Heintz, No C (2024) 1788 final, admissible,
- annul in its entirety the decision of the European Commission of 14 March 2024, in the Case Munhowen-Brasserie Nationale v Boissons Heintz, No C (2024) 1788 final, with all the legal consequences that entails.

**Pleas in law and main arguments**

In support of the action, the applicants rely on eight pleas in law.

1. First plea in law, alleging infringement of the language regime vitiating the procedure ab initio.
2. Second plea in law, alleging failure to comply with the first time limit provided for in Article 22 of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings.
3. Third plea in law, alleging infringement of Article 22(2) of Regulation (EC) No 139/2004 as a result of failure to provide information to the undertakings concerned without delay.
4. Fourth plea, alleging infringement of the procedural time limits laid down in Article 22 of Regulation (EC) No 139/2004 as a result of late communication of its decision – including to the undertakings concerned.
5. Fifth plea, alleging failure to observe the principles of the rights of the defence, of equality of arms, of fairness of the procedure and of legitimate expectations.
6. Sixth plea, alleging that there was no plausible analysis as regards trade between Member States being affected.
7. Seventh plea, alleging that there was no plausible analysis as regards a threat of competition within the territory of Luxembourg being significantly affected.
8. Eighth plea, alleging that the Commission was wrong to accept the referral on account of the absence of a merger control system at national level.