



Reports of Cases

Order of the General Court (Third Chamber) of 7 March 2013 — Henkel and Henkel France v Commission

(Case T-64/12)

(Action for annulment — Request seeking to obtain the transmission to the French competition authority of certain documents contained in the Commission's file relating to competition proceedings concerning the European market for consumer detergents — Use in the context of national proceedings concerning the French detergents sector — Lack of interest in bringing proceedings — Inadmissibility)

1. *Actions for annulment — Natural or legal persons — Interest in bringing proceedings — Need for an actual and current interest — Action brought against a letter of the Commission refusing to take action on a request for the transmission of documents sought for the purposes of using them in a procedure before the national competition authority — Subsequent decision of that authority holding those documents not relevant for giving a ruling — No further interest in bringing an action — Hypothesis of a possible action against the decision of the authority — No effect (Art. 263, fourth para., TFEU) (see paras 36, 40, 56-60, 62, 65-67)*
2. *Actions for annulment — Actionable measures — Concept — Measures producing binding legal effects (Art. 263 TFEU) (see paras 37, 38)*
3. *Institutions of the European Union — Right of public access to documents — Regulation No 1049/2001 — Application for access to documents already held by the applicant, designed to obtain copies free of the obligation not to disclose — Lawfulness — No obligation to state reasons (European Parliament and Council Regulation No 1049/2001, Arts 2(1) and (2), and 10(1),(2) and (3)) (see paras 46-48)*
4. *Actions for annulment — Jurisdiction of the EU judicature — Claim seeking that directions be issued to an institution — Inadmissibility (Art. 263 TFEU) (see para. 71)*
5. *Judicial proceedings — Application initiating proceedings — Formal requirements — Statement of the forms of order sought — No clear and precise formulation — Inadmissibility (Rules of Procedure of the General Court, Art. 44(1)(d)) (see para. 73)*

Re:

APPLICATION, first, for annulment of the decision allegedly contained in the Commission's letter of 7 December 2011 (Case COMP/39.579 — Consumer detergents — and Case 09/0007 F) whereby the Commission refused to act on the applicants' request seeking the transmission to the French competition authority, in the context of Case 09/0007 F concerning the French detergents sector, of several documents produced in Case COMP/39.579, and, secondly, for an order by the General Court requiring the Commission to authorise the applicants to rely on the documents at issue in the proceedings before the French competition authority or before the competent French court in the context of an appeal against the decision of the French competition authority, and for any other measure that the Court deems appropriate.

Operative part

1. The action is dismissed.
2. There is no need to adjudicate on the application for leave to intervene submitted by Unilever PLC and Unilever NV.
3. Henkel AG & Co. KGaA and Henkel France are ordered to bear their own costs and pay the costs incurred by the European Commission.