

EU & UK COMPETITION LAW

BULLETIN

23 June 2009

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CFI clarifies interpretation of anti-dumping regulation in important decision on market economy status

On 17 June 2009, the European Court of First Instance (CFI) annulled EU dumping duties against Zhejiang Xinan Chemical Industrial Group (the Company), a Chinese herbicide exporter, stating that the EU had committed a manifest error of assessment in denying the Company market economy status (MES) and in the setting of its export prices. The decision brings an end to a 29.9% dumping duty on its imports of glyphosate, one of the main products sold by the Company on the Chinese and world markets.

Anti-dumping

In economics the term 'dumping' usually refers to predatory pricing. In International Trade Law, however, dumping occurs when a company exports a product at a lower price than that charged on the home market or below its cost of production.

In World Trade Organisation (WTO) law dumping is not prohibited. However, when it is found to cause (or threatens to cause) material injury to the domestic industry, the importing country is allowed to impose a measure, in the form of a duty, to offset the impact of this unfair practice. This measure is called anti-dumping duty.

In the EU, an anti-dumping investigation is carried out by the European Commission, which then submits a proposal to the Council of the European Union (the Council) recommending the imposition of anti-dumping measures - only the Council has the power to impose final measures.

It is a complex area of law which is increasingly affecting companies, whether they are asking for protection or they are the targets of an anti-dumping action brought by a country to which they export.

Facts of case and findings of the Council

In February 1998, the Council adopted anti-dumping measures applicable to imports of glyphosate originating in the People's Republic of China (PRC). Upon the impending expiry of these measures in November 2002, the Commission received a request from the European Glyphosate Association and initiated review proceedings of those measures.

Following the initiation of the investigation, the Company requested to be granted MES by virtue of Article 2(7)(b) of the basic regulation and submitted the necessary questionnaire, as well as responding to several requests for additional information from the Commission.

On 6 April 2004 the Commission refused to grant the Company MES on the grounds that "*although the majority of the shares of the company were owned by private persons, due to the wide dispersion of the non-State-owned shares, together with [the] fact that the State owned by far the biggest bock of shares, the*

company was found to be under State control. Moreover, the board of directors was in fact appointed by the State shareholders and the majority of the directors of the board were either State officials or officials of State-owned enterprises. Therefore, it was determined that the company was under a significant State control and influence.” This, in the view of the Commission, amounted to a breach of the first indent of Article 2(7)(c) of the basic regulation.

Since the request for MES was refused, the normal value of dumping duty was determined on the basis of data obtained from producers in a market economy third country, namely the Federal Republic of Brazil, and set at 29.9%.

Finding of the Court

The Company applied to the CFI to have its dumping duty annulled on the grounds that, among other things, the refusal to grant it MES amounted to a manifest error in the assessment of the facts of the case when applying Article 2(7)(c) of the basic regulation.

Under Article 2(7)(c) of the basic regulation, as interpreted by the case law, each company has to demonstrate that it is operating under market economy conditions, in the sense of this provision.

As explained above, the Council had considered that MES was not to be granted to the Company on the ground that it had not demonstrated that its decisions were taken without significant State interference. This finding was made solely on the basis of the fact that the controlling minority shareholder was state-owned, but without identifying any actual, or even potential interference; and importantly, without addressing the seemingly valid arguments and evidence submitted by the Company in this regard.

The CFI held that whilst it is acceptable to take into account whether a company is state owned, this is not a criterion in itself and must be considered in relation only to whether the State significantly interferes with business decisions. This interference must be *‘such as to render the undertaking’s decisions incompatible with market economy conditions’*.

Another interesting finding concerns the burden of proof. Under Article 2(7)(c) of the basic Regulation, as interpreted by the EU Courts, each claim must be examined by the Commission on its own merits, and the burden of proof in demonstrating MES lies with the exporting producer wishing to avail itself of the relief. It is, therefore, for the Community institutions to assess whether the evidence supplied by the exporting producer is sufficient to show that all the criteria laid down in the basic regulation are fulfilled. If any doubt should remain as to whether the criteria are satisfied MES cannot be granted. Until *Shanghai Excell and Shanghai Adeptech*, of 18 March 2009, this was understood as an extremely stringent test.

In its 17 June 2009 judgement, the Court recognises that, in this case, the Company provided the Commission with all evidence requested in order to show that it satisfied the MES criteria. The Court found that the Commission could not merely reject the evidence put in front of it by an exporting producer without properly considering it. In its reasoning, the CFI may even be implying that the Commission cannot reject MES to a company on the ground that it did not provide certain pieces of information or evidence if the Commission did not first request such information or evidence, or indicate what the company had to demonstrate in addition to the information already provided.

Although the Court may seem to state the obvious here, this is not currently the Commission’s practice, as this case exemplifies. This judgement therefore comes as a welcome clarification of the scope of what is the burden of proof in MES claims.

Finally, the Court carried out in this judgment an unusually detailed review of the facts of the case, exceeding the typical hands off approach of the EU Courts. It is normal practice for the EU Courts to emphasise the wide discretionary powers of the institutions and that the burden of proof is on the exporting producer. Although the Court of First Instance does this in this case as well, it stresses that by laying down precise criteria for granting MES, the Council limited its own discretion in this regard. It is the judicator’s duty, therefore, to conduct a full review as to whether the Institutions properly applied the relevant rule of law.

EU

Decisions

1 Commission clears acquisition of AREVA NP by AREVA SA

The European Commission announced that it has decided under Article 6(1)(b) of the EC Merger Regulation to approve the acquisition of sole control of AREVA NP by AREVA SA. AREVA SA is a French company which designs, produces and sells power generation, electricity transmission and distribution solutions. AREVA NP, also a French company, designs and constructs components for nuclear islands for nuclear power plants engineering, carries out maintenance and repair services and designs and manufactures nuclear fuel assemblies. The transaction was examined under the simplified merger procedure.

COMP/M/5481 – 15 June 2009

2 Commission approves acquisition of LBI by Access and PCH

The European Commission announced that it has decided under Article 6(1)(b) of the EC Merger Regulation to approve the acquisition of sole control of LyondellBasell Industries AF S.C.A (LBI) by Access Industries group (Access) and ProChemie Holding Limited (PCH). Access is a US company which is active in oil, petrochemicals, coal, aluminium, power and real estate. PCH, which is registered in Jersey, supplies arms systems, defence and security products, manufactures and supplies lawn mowers, garden tools and lawn care products and operates and trades in executive aircraft. LBI, based in Luxembourg, manufactures and supplies polymers, fuels and chemicals. The transaction was examined under the simplified merger procedure.

COMP/M/5534 – 15 June 2009

3 Commission approves proposed acquisition of Sulzer by Renova

The European Commission has cleared under the EU Merger Regulation the proposed acquisition of Sulzer AG of Switzerland by Renova Industries Ltd. of the Bahamas. Both companies are involved in thin film coating of metal tools and components. After examining the operation, the Commission concluded that the transaction would not significantly impede effective competition in the European Economic Area (EEA) or any substantial part of it.

IP/09/955 – 18 June 2009

Invitations to Comment

4 Bosch Thermotechnik/Loos

Interested parties are invited to comment by 29 June 2009 on the proposed acquisition by Bosch Thermotechnik GmbH ('Bosch Thermotechnik', Germany) controlled by Robert Bosch GmbH, Germany acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Loos Deutschland GmbH ('Loos', Germany) by way of purchase of securities.

5 EnBW/Borusan/JV

Interested parties are invited to comment by 26 June 2009 on the proposed acquisition by EnBW Energie Baden Württemberg AG, jointly controlled by Electricité de France International S.A. and Zweckverband Oberschwäbische Elektrizitätswerke, and acting through its subsidiary EnBW Holding A. and Borusan Holding A., of Borusan Enerji Yatirimlari Ve Üretim A. by way of purchase of shares.

UK

Decisions

6 OFT publishes reference decision in Stagecoach/ Preston Bus merger

On 15 June 2009, the Office of Fair Trading (OFT) published the full text of its decision to refer the completed acquisition by Stagecoach Group plc of Preston Bus Limited to the Competition Commission under the Enterprise Act 2002. The OFT found that the merger has resulted, or may be expected, to result in a substantial lessening of competition in the intra-urban commercial bus market in Preston due the loss of competitive constraints from actual and potential competition (whether on the basis of overlapping flows or looking at a wider market of north Preston). The OFT did not accept the "failing firm" defence as it found that, following liquidation, Preston Bus' assets could have been acquired and used by a less anti-competitive purchaser. The OFT also found that the de minimis and customer benefits exceptions to its duty to refer did not apply.

ME/4032/09 – 15 June 2009

7 OFT accepts hold separate undertakings in Paragon Automotive/ Camden Group merger

On 16 June 2009, the Office of Fair Trading (OFT) announced on the Regulatory News Service that it has accepted separate undertakings given by Paragon Automotive Limited (Paragon) under section 71 of the Enterprise Act 2002 in relation to Paragon's completed acquisition of the fleet refurbishment business of the Camden Group. Section 71 of the Enterprise Act allows the OFT to accept initial and interim undertakings for the purpose of preventing pre-emptive action by the parties to a completed merger whilst the OFT is considering whether to make a reference to the Competition Commission. The undertakings are without prejudice to the OFT's ongoing investigation into the merger.

16 June 2009

ANTITRUST

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EU

8 EuroCommerce Statement: EuroCommerce lodges new complaint against Visa Europe

Retailers' association EuroCommerce has filed an antitrust complaint with the European Commission against Visa Europe, targeting the way the company sets its 'multilateral interchange fees'. EuroCommerce aims to be designated the official complainant in the case, after the Commission opened its investigation in March 2008 on its own accord. The Commission issued a Statement of Objections against Visa in April 2009.

15 June 2009

9 Summary of Commission decision in sodium chlorate cartel published

On 17 June 2009, the European Commission published in the Official Journal a summary of its June 2008 decision to impose a total fine of €79 million on eight companies within four corporate groups for participating, in breach of Article 81(1) of the EC Treaty, in an illegal market-sharing and price-fixing cartel in the sodium chlorate paper bleach sector. The Commission found that from 1994 to early 2000 the companies held regular meetings (and had other contact) to discuss prices and sales volumes and to exchange sensitive commercial information. Such discussions led to price-fixing and allocation of sales volumes between the cartel participants. The Commission has also found that the companies took action to ensure the implementation of their agreements. The Opinion of the Advisory Committee and the Final Report of the Hearing Officer have also published. Appeals against the Commission's decision have been lodged with the Court of First Instance.

C 137/6 – 17 June 2009

10 Spain's National Competition Commission (CNC) fines Jerez Wines regulatory board for sales quota arrangements

The CNC Council has issued a Resolution levying a €400,000 fine on the Regulatory Board for "Jerez-Xérès-Sherry" and "Manzanilla Sanlúcar de Barrameda" wines for approving and applying various arrangements based on the historical sales volumes of each wine seller in the designations of origin that restrict competition between wine sellers and limit their freedom of trade.

The Resolution resolved the formal proceedings brought on 11 January 2008 as a result of the complaint brought against the Regulatory Board by the wine seller Criadores, Almacenistas y Distribuidores de Vinos de Jerez (CAYDSA), which was later joined by the complaint filed by Complejo Bodeguero Bellavista, SL and Zoilo Ruiz Mateos, SL.

The CNC Council believes that the Jerez Wines Regulatory Board has been shown to have adopted those arrangements to implement a stabiliser mechanism in the sector based on sales quotas not based on product quality and identity and hence lacking in the necessary legal justification.

The arrangements have been declared anti-competitive because they are based on the historical sales levels of each distributor of this designation of origin, and thus constrain competition and restrict their freedom of trade.

The Regulatory Board has thus engaged in an anticompetitive conduct prohibited by article 1 of Spanish antitrust law (Defence of Competition Act 16/1989 and Competition Act 15/2007), and by article 81 of the Treaty establishing the European Community, given that a very large portion of Jerez wines are distributed in European Union countries, where trade would be presumably affected by the arrangements that were investigated in the complaint, according to the CNC Council.

Given the gravity of the violation, involving an agreement between competitors with the aim of restricting competition between distributors and sellers of wines of this designation of origin, the CNC Council has decided to levy a €400,000 fine on the Regulatory Board of the "Jerez-Xérès-Sherry" and "Manzanilla Sanlúcar de Barrameda" designations of origin.

On 15 July 2008 the CNC Council had already ordered that interim measures be taken against the Regulatory Board's sales quota arrangements for the 2007/2008 marketing campaign. In any event, in its resolution the CNC Council instructs the "Jerez-Xérès-Sherry" and "Manzanilla Sanlúcar de Barrameda" designations of origin Regulatory Board to henceforth abstain from arranging and applying such agreements

11 Commission fines Electrabel for 20 million Euros

The European Commission has decided to impose a fine of 20 million Euros on Electrabel, an electricity producer and retailer belonging to the Suez Group (now GDF Suez) for acquiring control of Compagnie Nationale du Rhône (CNR), another electricity producer, without having received prior approval under the EU Merger Regulation.

Background

Electrabel and GDF Suez are large companies which are very familiar with EU merger control proceedings. At the time of the infringement, Electrabel and Suez together had already filed six notifications under EU rules.

CNR is the second largest French electricity producer. By acquiring in December 2003 the shares of CNR held by EDF, the leading electricity producer in France, Electrabel became by far CNR's largest shareholder holding close to 50% of CNR's shares.

Electrabel did not consult the Commission until August 2007. The acquisition of CNR by Electrabel was cleared by the Commission on 29 April 2008 under the EC Merger Regulation.

Basis:

The Commission found that Electrabel acquired control over CNR, France's second largest electricity producer in December 2003 without obtaining the prior approval of the Commission.

In other words, Electrabel infringed the "standstill obligation" which is a basic principle of the EU Merger Regulation. Under this obligation, the parties to a concentration (such as a merger or an acquisition of control) with a Community dimension must notify the concentration to the Commission before its implementation so that the Commission can examine whether the concentration would significantly impede effective competition in the European Economic Area (EEA) or any substantial part of it.

Control

The Commission concluded that Electrabel already acquired de facto sole control of CNR in December 2003, i.e. more than four years before the notification. It is interesting that Electrabel was deemed to exercise without having "control" more than 50% of the shares of CNR.

The Commission concluded that the shareholder was able to control shareholder meetings because the shares owned by the remaining shareholders are widely dispersed. Based on past attendance rate at shareholders' meeting, it could have been anticipated that even a minority shareholding would grant Electrabel a stable majority at such meetings. This was reinforced by other factors, notably the fact that Electrabel was the sole industrial shareholder of CNR and had taken over the role previously held by EDF in the operational management of the power plants and the marketing of electricity of CNR following the commitments given by EDF to obtain clearance of its merger with EnBW.

Moreover, in this case, the existence of control arises from the assessment of a number of factual and legal elements. Electrabel and the Commission have held discussions since August 2007, when Electrabel consulted the Commission on whether or not it had acquired control over CNR. In the meantime, the Commission sent Electrabel a Statement of Objections to which it responded. Electrabel also requested an Oral Hearing which took place in March 2009.

The main elements on which control was found to exist date back to 2003 and have not materially changed in the meantime.

Fine without competition concerns

The fine was imposed even considering that the concentration did not raise competition issues and was cleared unconditionally by the Commission.

The fine was based on negligence as the Commission concluded that Electrabel, a sophisticated company which is very familiar with the EU merger control rules, should have approached the Commission in 2003 and not more than three and a half years after acquiring control of CNR. The Commission concluded that the infringement lasted for a significant period and that Electrabel should have been aware of its obligation to receive Commission approval before proceeding with the acquisition.

Breaching the standstill obligation is a serious infringement irrespective of the competition assessment because it goes against the basic principle of the EU Merger Regulation, that is, to ensure prior, ex ante control of any concentration with a European dimension.

The fact that eventually Electrabel did approach the Commission has been taken into account as a mitigating circumstance in the decision and in setting the level of the fine.

UK**12 Grocery inquiry: The Competition Commission publishes Notice of Intention to make an Order (GSCOP)**

The CC published its final report on the market investigation into the supply of groceries in the UK on 30 April 2008. The report set out the CC's findings that there are features of the markets for the supply of groceries which adversely affect competition in the UK. One of these features was the exercise of buyer power by certain grocery retailers with respect to their suppliers of groceries, through the adoption of supply chain practices that transfer excessive risks and unexpected costs to those suppliers.

To address the adverse effect on competition arising from these grocery chain practices, the CC has decided on a package of remedies to address the adverse effect on competition and the consequential detrimental effects on customers. This Order gives effect to part of these remedies.

22 June 2009

OTHER

13 Ireland convicts Dublin Citroen dealer

Dublin's Circuit Criminal Court has handed down a nine-month suspended sentence to Bernard Byrne, a former representative of the Citroën Car Dealers Association, for his role in a price-fixing cartel. Byrne, 47, was sentenced after pleading guilty to fixing the sale price of Citroën cars between 2000 and 2002. He was also fined €2,000, while his former company, Finglas Motors, received a €35,000 fine.

As the Dublin representative of the association and sales director of Finglas Motors, Byrne was party to the setting of an illegal minimum resale price among the association's members. The minimum prices were enforced by imposing fines on dealers that didn't comply. Individuals involved in cartel behaviour in Ireland face prison sentences of up to five years, and personal fines of up to €4 million. Several other directors have already been sentenced for their roles in the cartel and all have received suspended sentences.

18 June 2009

STATE AID

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14 State aid simplification package published in Official Journal

The European Commission published the State aid simplification package in the Official Journal. The package comprises a Simplified Procedure Notice and a Best Practices Code. The measures are intended to improve the effectiveness, transparency and predictability of State aid procedures. The Simplified Procedure Notice provides for an accelerated procedure and short form decision for certain categories of State aid, and the Best Practices Code sets out guidance on the day to day conduct of State aid proceedings. The Notice and Best Practices Code apply to State aid measures notified from 1 September 2009. The Commission announced that it had adopted the simplification package on 29 April 2009.

C 136/3 - 16 June 2009

15 Commission approves extension of Italian bank guarantee scheme

The European Commission has authorised, under EC Treaty State aid rules, the prolongation of an Italian guarantee scheme for banks. The Commission found the prolongation of the measures, initially approved on 13 November 2008, to be in line with its Communication on State aid to overcome the financial crisis. In particular, the extended measures are limited in time and scope. They are therefore compatible with Article 87.3.b of the EC Treaty that allows aid to remedy a serious disturbance in the economy of a Member State.

IP/09/929 - 16 June 2009

16 Commission approves Austrian recapitalisation of Hypo Tirol bank

The European Commission announced that it has decided under Article 87(3)(b) of the EC Treaty to approve an Austrian recapitalisation measure for the Austrian bank, Hypo Tirol. The Commission has concluded that the aid is in accordance with Communications on State aid measures in favour of financial institutions and on the recapitalisation of financial institutions. The recapitalisation measure is an adequate means of remedy a serious disturbance in the Austrian economy, while avoiding undue distortions of competition.

IP/09/928 - 17 June 2009

17 Commission conditionally approves Danish environmental aid

The European Commission announced that, following an in-depth State aid investigation, it has decided to

approve conditionally a Danish project to grant exemptions from carbon dioxide taxes to companies covered by the EC Emissions Trading Scheme. The Commission considered that the original notified aid scheme could distort competition and diminish the environmental objectives of the energy tax. The measure has therefore been approved on the condition that it is amended so that all affected companies pay an energy tax which respects at least the minimum tax levels set by EC law.

IP/09-309 – 17 June 2009

18 Commission proposes appropriate measures in relation to Swedish existing aid for newspapers

The European Commission announced that it has proposed to Sweden appropriate measures to make an existing aid scheme relating to Swedish newspapers compatible with the State aid rules. The Commission is concerned that the scheme (which has existed since 1971) is not proportionate to the intended objective of media pluralism. The Commission has, therefore, proposed certain amendments to the aid scheme to ensure that it avoids disproportionate distortions of competition and trade.

IP/09/940 – 17 June 2009

19 Commission approves Italian State aid for a new combined freight transport service

The European Commission announced that it has decided to approve Italian State aid for a new combined freight transport service. The aid will support a new rail-based transport service between two ports.

IP/09/935 – 17 June 2009

20 Commission endorses €25 million aid to Sovello AG for String-Ribbon solar modules plant in Sachsen-Anhalt, Germany

The European Commission has authorised, under EC Treaty State aid rules, €25 million of regional investment aid for the German company Sovello AG (formerly EverQ GmbH) for the production of String-Ribbon solar modules in Sachsen-Anhalt, Germany for a solar energy investment project. String-Ribbon technology involves running long wires through a silicon melt to achieve a long ribbon of silicon. The project involves investment of €115 million and is expected to create over 1000 new jobs in the region. After an in-depth investigation, opened in May 2008, the Commission concluded that the positive impact of the investment on regional development outweighs the potential distortions of competition.

IP/09/962 – 18 June 2009

21 Commission authorises Irish health insurance tax and levy scheme

The European Commission has authorised, under EC Treaty State aid rules, an Irish scheme of levies and tax relief in the health insurance sector. The objective of the scheme is to promote intergenerational solidarity by decreasing the risk differentials for health insurers between old and young customers. The Commission concluded that the measure was in line with the EU Framework for State aid in the form of public service compensation and as such compatible with Article 86(2) of the EC Treaty. In particular, after the Irish Authorities agreed to amend the scheme, the Commission was satisfied that none of the insurers would be overcompensated for the discharge of the public service. The scheme is a temporary replacement for, and very similar to, the previous Risk Equalisation Scheme, which was annulled by the Irish Supreme Court.

IP/09/961 – 18 June 2009

22 Commission gives France the go-ahead to grant €33 million to Carmat's R&D programme for the development of an artificial heart

The European Commission has decided not to raise any objections under the EC Treaty State aid rules to the financial support of €33 million granted by France to Carmat's R&D programme. The lead company, Carmat S.A.S., backed up by four industrial partners and a large number of SMEs acting as subcontractors, will have the task of designing and developing an artificial heart that is fully implantable, together with the associated electrical supply and telediagnostic systems. After scrutiny, the Commission concluded that the programme was compatible with the Research, Development and Innovation framework. In particular, it remedies a market failure, and it will have a positive impact, especially in the public health sector, without significantly altering competition conditions.

IP/09/959 – 18 June 2009

23 Commission endorses €51.9 million aid for Ford investment in Almussafes, Spain

The European Commission has authorised, under EC Treaty State aid rules, €51.9 million of aid, which the Spanish authorities intend to grant to Ford España, part of the Ford Motor Company, for a radical transformation of the existing plant on Almussafes, in the Valencia region. The Commission's assessment found the measure to be compatible with the requirements of the Regional Aid Guidelines 2007-2013. In particular, the Commission takes the view that the project, involving eligible investments of some €490 million by Ford, will significantly contribute to the development of the region's economy without unduly distorting competition. The investment guarantees the continuity of activity at the Almussafes plant and will maintain some 5000 direct jobs at the plant.

IP/09/958 – 18 June 2009

24 Commission endorses €33 million aid to Volvo Aero Corporation for GEnx aeroengine component R & D

The European Commission has authorised, under the EC Treaty rules on State aid, a repayable advance of SEK 304 million (approx. €33 million) that Sweden intends to grant to Volvo Aero Corporation for the research and development of GEnx aircraft engine components. The GEnx engine is being developed by General Electric for the Boeing B787 and B747-8 aeroplanes. After an in-depth investigation, launched in July 2008, the Commission found that the project complies with the requirements of the EU framework for State aid for Research, Development and Innovation. In particular, the aid addresses a market failure, it enables Volvo Aero to carry out additional research and the aid amount is proportionate to the nature of the market failure.

IP/09/956 – 18 June 2009

25 Commission approves UK £113.7 million R&D aid to Short Brothers for development of composite wings

The European Commission has approved, under EC Treaty State aid rules, a repayable cash advance of £113.7 million (€120.59 million) that the UK plans to give to Short Brothers PLC, a 100% subsidiary of Bombardier, for the development of composite wings for Bombardier's new CSeries aircraft. Bombardier Aerospace is relaunching the CSeries project, which develops a new family of commercial aircraft in the 110-130 seat range. The new composite wings are key components of this new aircraft, requiring the development of cutting-edge technologies. The proposed aid would have positive effects in terms of knowledge sharing with only a limited impact on competition. The Commission concluded that the aid was compatible with the EU Framework for State aid for Research, Development and Innovation.

IP/09/957 – 18 June 2009

LITIGATION

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EU

26 Qualcomm loses appeal of Toll Collect remedies

Qualcomm has lost its appeal against a European Commission decision conditionally approving a joint venture between DaimlerChrysler and Deutsche Telekom to run a truck toll collection system in Germany. In its ruling, the CFI rejected claims from the chipmaker that the commitments accepted were insufficient to remedy the competition concerns. In a parallel case brought by satellite technology company Socratec, the CFI ruled the company no longer had a legal interest in the case, as it was in liquidation.

T-48/04 - 19 June 2009

If you require further information or advice on any of the items covered, then please contact either Diarmuid Ryan in London or Tom Pick in Brussels who are both partners in our EU Competition team.

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