

Case T-48/03

Schneider Electric SA

v

Commission of the European Communities

(Competition — Concentrations — Resumption of the control procedure following annulment by the Court of First Instance of a decision prohibiting a concentration — Initiation of the detailed examination phase — Abandonment of the concentration — Closure of the control procedure — Action for annulment — Acts adversely affecting the applicant — Interest in bringing the action — Inadmissibility)

Order of the Court of First Instance (Fourth Chamber), 31 January 2006 . . . II - 113

Summary of the Order

*Actions for annulment — Natural or legal persons — Actionable measures
(Art. 230, fourth para., EC; Council Regulation No 4064/89, Art. 6(1)(c))*

If an undertaking, which obtained annulment by the Court of First Instance of the Commission decision prohibiting it from carrying out a concentration, then sells the undertaking it acquired within the period which the Commission in any event had at its disposal following that judgment within which to adopt a new decision, it cannot claim to be adversely affected either by a Commission decision, after the decision to sell the undertaking, to reopen the phase for

detailed examination of the operation pursuant to Article 6(1)(c) of Regulation No 4064/89, or by a subsequent decision by the Commission formally to close the procedure as having become devoid of purpose.

(see paras 61, 67, 72-74, 84, 96, 97, 101)