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Judgment of the General Court in Case T-682/24 | Red Bull and Others v Commission

Antitrust investigations: only additional costs incurred exclusively by an inspection having been continued at the Commission's premises can be reimbursed to undertakings

In March 2023, an inspection of the premises of Red Bull GmbH, which has its registered office in Fuschl am See, Austria, and of its subsidiaries Red Bull France SASU (established in Paris) and Red Bull Nederland BV (established in Soesterberg) (together referred to as 'Red Bull') was carried out by the European Commission in the context of an investigation into a potential infringement of competition law. ¹

That inspection was continued between 14 and 20 June and between 29 August and 29 September 2023 at the Commission's premises, in order to examine a large number of documents. During that phase, in addition to its usual Austrian law firm, Red Bull was assisted by a second law firm based in Brussels, which was appointed for that purpose.

On account of the expenses incurred during that phase of the inspection in Brussels (travel, accommodation and daily allowances for its employees, plus lawyers' fees and their travel expenses), Red Bull requested the Commission to reimburse those costs, which it regards as 'additional costs' which could be reimbursed in accordance with the case-law in Nexans. ²

By decision of 23 October 2024, the Commission rejected the part of the reimbursement request relating to the fees of the two law firms. It took the view that those costs could not be regarded as 'additional', since they would in any event have been incurred by Red Bull if the inspection had been carried out entirely at its own premises.

The General Court of the European Union dismisses the action brought by Red Bull against that decision.

The General Court states in particular that the term 'additional costs' refers exclusively to the additional costs incurred by the inspection being carried out at the Commission's premises, as compared with the costs which an undertaking would have incurred had the inspection continued at its own premises, and which relate exclusively to that inspection at the Commission's premises. In the present case, **assistance by lawyers had already been provided during the inspection at Red Bull's premises and would probably have continued to be provided throughout the inspection, had it continued at Red Bull's premises.** The total amount paid relating to that assistance therefore cannot be regarded as 'additional costs' resulting exclusively from the inspection having been continued at the Commission's premises.

The Court also adds that Red Bull's request concerned solely reimbursement of the entirety of the lawyers' fees, pointing out that Red Bull had never sought to demonstrate that only certain fees could be reimbursed.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to

EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ Pursuant to Article 20(4) of Council [Regulation \(EC\) No 1/2003](#) of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.

² Judgment of 16 July 2020, *Nexans France and Nexans v Commission*, [C-606/18 P](#).