



Key terms: Dismissal – Decision of the Prosecution body

## PRESS RELEASE

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**The Prosecution body of the Belgian Competition Authority has decided to dismiss a complaint of Spira against De Beers. This decision is motivated by the priority management of the Prosecution body, taking into account the international context of the file**

In 2003 Spira, an independent rough diamond dealer, has filed a complaint to the European Commission against the Supplier of Choice distribution system of diamond producer De Beers. The complaint was rejected by a decision of 27 January 2007, completed by a second decision of 5 June 2008. Spira has lodged an appeal with the General Court against these decisions.

In 2009 Spira lodged a complaint with the Prosecution body of the Belgian Competition Authority against De Beers, as well as a request for interim relief.

The President of the former Competition Council declared the appeal for interim relief admissible and valid and has thereupon imposed interim measures in favour of Spira until the General Court has taken a decision regarding the appeals of Spira against these decisions.

In July 2013 the General Court dismissed the appeals lodged by Spira against the decisions of the Commission to reject its complaint. The General Court confirmed the decisions of the European Commission in which had been concluded that there are insufficient grounds to continue the investigation of the complaint of Spira because of the low likelihood of finding an infringement. Therefore, a complex investigation cannot be justified.

Spira did not appeal this judgement.

On 15 October 2014 the Prosecution body of the Belgian Competition Authority has dismissed the complaint against De Beers. This decision is motivated by the priority management of the Prosecution body of the Belgian Competition Authority, taking into account the international context of the file. Indeed it has concluded that if the



Commission has decided that a complex investigation cannot be justified because of the low likelihood of finding an infringement, the same applies to the Belgian Competition Authority, after confirmation of the Commission decisions by the General Court.

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The BCA ( composed of the Competition College and the President as the decision making body in formal procedures and the Prosecution body under the direction of the Competition prosecutor general) has as mission statement to promote and to safeguard the existence of an effective competition in Belgium. To this end she examines and may impose sanctions on restrictive practices (cartels, abuse of dominant position). Its examines also the admissibility of concentrations which might have a noticeable effect on the market. To this end the authority applies books IV and V of the Code of Economic Law as stipulated in the act of 3 April 2013 ( Belgian Official Gazette of 26 April 2013) and competition rules of the European Union such as articles 101 and 102 of the TFEU ( ex-articles 81 and 82 of the EC treaty).The authority takes part in the implementation of the European competition policy. She works together with other competition authorities and is member of the European competition network(ECN), the European Competition Authorities ( ECA) and the International Competition Network.