



PRESS RELEASE No 185/24

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Judgment of the Court in Case C-240/22 P | Commission v Intel Corporation

The Court of Justice upholds the annulment by the General Court of the Commission's decision finding an abuse of a dominant position on the part of Intel and imposing a fine of €1.06 billion on Intel

In May 2009, the Commission imposed ¹ a fine of €1.06 billion on Intel, a microprocessor manufacturer established in the United States. The Commission complained that Intel had abused its dominant position on the market for x86 microprocessors by granting, inter alia, loyalty rebates to its customers and to a desktop computer distributor. In 2014, the General Court dismissed in its entirety Intel's action against that Commission decision. ² On the appeal brought by Intel, the Court of Justice ³ set aside that judgment and referred the case back to the General Court.

Hearing the case referred back to it, the General Court annulled the Commission's decision in part and annulled the fine of €1.06 billion in its entirety. The Commission brought an appeal against the General Court's 2022 judgment. ⁴

The Court of Justice dismisses the Commission's appeal, thereby upholding the judgment of the General Court.

In support of its appeal, the Commission claimed that the General Court's review of the Commission's assessments relating to the as-efficient-competitor test was vitiated by procedural irregularities, errors of law and distortion of the evidence.

In its judgment, the Court of Justice rejects all of the grounds of appeal raised by the Commission. With regard to the as-efficient-competitor test, the Court of Justice confirms that it is for the General Court to examine any argument that is intended to call into question the Commission's assessments and that is capable of invalidating the conclusions reached by the Commission at the end of that test. Those arguments may relate both to the compatibility of the Commission's assessments with the principles governing the as-efficient-competitor test and to the evidential value of the matters of fact on which the Commission relied. Moreover, the Court of Justice confirms that it is not for the General Court to ascertain whether the operative part of the Commission's decision could be justified on the basis of reasoning that did not contain the errors found by it, where that reasoning is not set out in that decision in a coherent way.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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

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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Images of the delivery of the judgment are available on "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ Commission Decision C(2009) 3726 final relating to a proceeding under Article [102 TFEU] and Article 54 of the EEA Agreement (Case COMP/C-3/37.990 – Intel).

² Judgment of the General Court of 12 June 2014, *Intel v Commission*, [T-286/09](#) (see also Press Release [No 82/14](#)).

³ Judgment of the Court of Justice of 6 September 2017, *Intel v Commission*, [C-413/14 P](#) (see also Press Release [No 90/17](#)).

⁴ Judgment of the General Court of 26 January 2022, *Intel v Commission*, [T-286/09 RENV](#) (see also Press Release [No 16/22](#)).