

GENERAL COURT

Judgment of the General Court of 12 June 2014 — Intel v Commission

(Case T-286/09) ⁽¹⁾

(Competition — Abuse of dominant position — Microprocessors market — Decision finding an infringement of Article 82 EC and Article 54 of the EEA Agreement — Loyalty rebates — ‘Naked’ restrictions — Classification as abuse — As-efficient-competitor analysis — Commission’s international jurisdiction — Obligation on the Commission to investigate — Limits — Rights of the defence — Principle of sound administration — Overall strategy — Fines — Single and continuous infringement — 2006 Guidelines on the method of setting fines)

(2014/C 245/10)

Language of the case: English

Parties

Applicant: Intel Corp. (Wilmington, Delaware, United States) (represented initially by K. Bacon, Barrister, M. Hoskins, N. Green QC, S. Singla, Barrister, I. Forrester QC, A. Parr, R. Mackenzie, Solicitors, and D. Piccinin, Barrister, and subsequently by I. Forrester, A. Parr, R. Mackenzie and D. Piccinin)

Defendant: European Commission (represented by: T. Christoforou, N. Khan, V. Di Bucci and M. Kellerbauer, Agents)

Intervener in support of the applicant: Association for Competitive Technology, Inc (Washington, DC, United States) (represented by: J.-F. Bellis, lawyer)

Intervener in support of the defendant: Union fédérale des consommateurs — Que choisir (UFC — Que choisir) (Paris, France) (represented initially by J. Franck, and subsequently by E. Nasry, lawyers)

Re:

Action for annulment of Commission Decision C (2009) 3726 final of 13 May 2009 relating to a proceeding under Article 82 [EC] and Article 54 of the EEA Agreement (Case COMP/C-3/37.990 — Intel) or, alternatively, annulment or reduction of the fine imposed on the applicant

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Intel Corp. to bear its own costs and to pay those incurred by the European Commission, with the exception of the Commission’s costs incurred in connection with the intervention of the Association for Competitive Technology, Inc., and the costs incurred by Union fédérale des consommateurs — Que choisir (UFC — Que choisir);
3. Orders the Association for Competitive Technology to bear its own costs and to pay the Commission’s costs incurred in connection with its intervention.

⁽¹⁾ OJ C 220, 12.9.2009.