C/2023/1139

4.12.2023

Judgment of the General Court of 18 October 2023 — Teva Pharmaceutical Industries and Cephalon v Commission

(Case T-74/21) [1]

(Competition — Agreements, decisions and concerted practices — Modafinil market — Decision finding an infringement of Article 101 TFEU — Patent dispute settlement agreement — Restriction of competition by object — Characterisation — Restriction of competition by effect — Conditions for exemption under Article 101(3) TFEU — Fines)

(C/2023/1139)

Language of the case: English

Parties

Applicants: Teva Pharmaceutical Industries Ltd (Petah Tikva, Israel) and Cephalon Inc. (West Chester, Pennsylvania, United States) (represented by: D. Tayar, S. Ortoli and A. Richard, lawyers)

Defendant: European Commission (represented by: G. Conte, T. Franchoo and C. Sjödin, acting as Agents)

Re:

By their action under Article 263 TFEU, the applicants seek annulment of Decision C(2020) 8153 final of the European Commission of 26 November 2020 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT.39686-CEPHALON) and, in the alternative, the cancellation or reduction of the fines.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Teva Pharmaceutical Industries Ltd and Cephalon Inc. to pay the costs.

---

[1] OJ C 98, 22.3.2021.