



C/2023/1135

4.12.2023

**Judgment of the General Court of 18 October 2023 — Clariant and Clariant International v  
Commission**

**(Case T-590/20) <sup>(1)</sup>**

***(Competition — Agreements, decisions and concerted practices — Ethylene market — Decision finding an infringement of Article 101 TFEU — Coordination on a purchase price element — Settlement procedure — Fine — Adjustment of the basic amount of the fine — Point 37 of the Guidelines on the method of setting fines — Repeat infringement — Point 28 of the Guidelines on the method of setting fines — Unlimited jurisdiction — Counterclaim for increase of the amount of the fine)***

(C/2023/1135)

Language of the case: English

**Parties**

**Applicants:** Clariant AG (MuttENZ, Switzerland), Clariant International AG (MuttENZ) (represented by: F. Montag and M. Dreher, lawyers)

**Defendant:** European Commission (represented by: A. Boitos, I. Rogalski and J. Szczodrowski, acting as Agents)

**Re:**

By their action under Article 263 TFEU, the applicants seek, by way of principal claim, the partial annulment of Commission Decision C(2020) 4817 final, of 14 July 2020, relating to a proceeding under Article 101 TFEU (AT.40410 — Ethylene) and, in the alternative, a reduction of the amount of the fine imposed on them ‘jointly and severally’ in that decision. The European Commission seeks, by way of counterclaim, an increase of the amount of that fine.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Dismisses the European Commission’s counterclaim;
3. Orders Clariant AG and Clariant International AG to bear their own costs and to pay 90 % of the costs incurred by the Commission;
4. Orders the Commission to bear 10 % of its own costs.

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<sup>(1)</sup> OJ C 399, 23.11.2020.