

(English version)

**Question for written answer E-002413/24
to the Commission
Friedrich Pürner (NI)
(5 November 2024)**

Subject: Legal dispute between the Commission and US microprocessor manufacturer Intel

In a press release on 24 October 2024, the Court of Justice upheld ⁽¹⁾ ‘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 EUR 1.06 billion on Intel’.

The Commission had accused the technology corporation of using rebates to exploit its dominant market position in order to squeeze out competitors. Accordingly, a fine was imposed in 2009.

1. Who within the Commission is responsible for this mistake, and how can such mistakes be avoided in the future?
2. How high are the costs of the lost proceedings?
3. Has Intel brought claims, such as for damages or similar claims, against the Commission?

Submitted: 5.11.2024

**Answer given by Executive Vice-President Ribera on behalf of the European Commission
(10 January 2025)**

1. Commission decisions are taken collegially by all Commissioners. Competition law decisions are subject to several stages of scrutiny and review prior to adoption, including consultation of associated services and review by the Commission’s Legal Service, to minimise the risk of annulment in case the addressee brings an action for annulment to the Union Courts. In the EU legal system based on the rule of law, all final decisions in competition investigations, and in particular any decision involving the imposition of fines by the Commission can be appealed before the Union Courts which in turn review the legality of the Commission’s decisions, and, which, in some cases, can result in the Union Courts cancelling, reducing or increasing the fines.
2. In case of Intel, as clarified by the European Court of Justice (ECJ)’s judgment of 11 June 2024 in Case C-221/22 P *Deutsche Telekom*, the Commission was obliged under Article 266(1) of the Treaty on the Functioning of the EU, in order to comply with the annulment by the General Court of Intel’s fine, to compensate Intel, who had provisionally paid the fine with interest at a standard rate for the loss of enjoyment of the monies paid. In complying with this obligation, following a settlement with Intel, the Commission paid Intel on 6 November 2024 the appropriate interest compensation of EUR 515 547 908.15. The Commission notes in addition that, while the ECJ annulled one part of the Commission’s decision of 2009, namely the one concerning conditional rebates, it upheld the part concerning naked restrictions, namely payments in return for the cancellation of existing projects or the limitation of their reach. This led the Commission to impose, by decision of 21 September 2023, a new fine of EUR 376 358 000 to sanction the naked restrictions for which Intel was found to be liable. Intel waived claiming its legal costs from the Commission.

¹ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240185en.pdf>