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Judgment of the General Court in Case T-1129/23 | Intel Corporation v Commission

Microprocessors market: the General Court upholds the Commission's 2023 decision against Intel but reduces the fine by approximately € 140 million

This case is a continuation of the dispute between Intel and the European Commission concerning EU competition rules. The dispute stems from a Commission decision dating from 2009. By that decision, the Commission found that Intel had abused its dominant position by seeking to exclude its competitor AMD from the x86 microprocessor market. It therefore imposed a fine of € 1.06 billion on Intel. In proceedings following a referral-back, that decision was annulled in part by the General Court of the European Union, which was subsequently upheld by the Court of Justice.¹

On 22 September 2023, the Commission adopted a new decision ('the 2023 decision'), limited to the practices not annulled by the General Court, namely the so-called 'naked' restrictions imposed on HP, Acer and Lenovo concerning the use of AMD processors. It thereby set a new fine of € 376,358,000 as regards Intel. Intel then sought to have that decision annulled in full or in part and to have the fine cancelled or reduced, whereas the Commission sought to have the action dismissed.

The General Court of the European Union, in essence, upholds the 2023 decision, while reducing the fine imposed on Intel from € 376 358 000 to € 237 105 540.

The General Court first rules that the Commission remained competent to impose penalties in respect of the so-called 'naked' restrictions imposed on certain computer manufacturers, in particular Acer and Lenovo. As the existence of those anticompetitive restrictions had already been definitively upheld by the EU Courts, the Commission was not required to demonstrate once more that it had jurisdiction or to redefine a new infringement. It was required only to enforce the previous judgments by recalculating the fine on the basis solely of the conduct still at issue.

The General Court also rejects Intel's arguments that the reasoning in the 2023 decision was insufficient, that a new statement of objections ought to have been sent to it and that its rights of defence had been infringed. The Court states that the Commission's decision formed part a procedural backdrop which was perfectly well-known to the company and that the Commission clearly explained the method used to calculate the fine and the reasons why it took the 'naked' restrictions as the basis for it.

As regards the amount of the fine, the General Court considers that the Commission correctly applied the criteria concerning the gravity and duration of the infringement, taking into account the openly anticompetitive nature of the 'naked' restrictions and Intel's dominant position on the market concerned, as well as the fact that those practices formed part of an overall strategy aimed at excluding its competitor AMD.

The General Court finds, however, and without calling into question the lawfulness of the 2023 decision, that the assessment of the amount of the fine ought to be refined, by taking greater account of (i) the relatively limited

number of computers concerned by those restrictions and (ii) the 12-month gap separating some of those anti-competitive practices. Accordingly, in the exercise of its unlimited jurisdiction, the General Court finds that **an amount of € 237 105 540 is a more appropriate reflection of the gravity and duration of the infringement at issue.**

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

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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.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

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

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¹ Intel's appeal against the 2009 decision was dismissed in its entirety by the General Court in its judgment of 12 June 2014, *Intel Corporation v Commission*, [T-286/09](#) (see also press release [No 82/14](#)). By judgment of 6 September 2017, *Intel v Commission*, [C-413/14 P](#) (see also press release [No 90/17](#)), delivered following Intel's appeal, the Court of Justice annulled that judgment and referred the case back to the General Court. By its judgment of 26 January 2022, *Intel Corporation v Commission*, [T-286/09 RENV](#) (see also press release [No 16/22](#)), the General Court annulled a substantial part of the 2009 decision, finding that certain conduct on which the penalty was based had not been established sufficiently, which led to the annulment in part of the 2009 decision. The Court of Justice subsequently dismissed the appeal brought by the Commission against that annulment (judgment of 24 October 2024, *Commission v Intel Corporation*, [C-240/22 P](#) (See also press release [No 185/24](#)).