

Ethylene cartel did not cause damages

Amsterdam | July 30, 2026

The Amsterdam District Court cannot establish that the prohibited information exchange of the so-called ethylene cartel actually influenced the Monthly Contract Price (MCP) of ethylene. The court therefore dismisses the damages claimed by a claims foundation on behalf of a number of companies of the Repsol group and the claim of a Shell subsidiary (Shell Chemicals Europe).

Ethylene is a highly flammable gas derived from crude oil/naphtha and used as a feedstock in the petrochemical industry, for example in the production of PVC. The price of ethylene in Northwest Europe is determined by, among other things, a Monthly Contract Price, the MCP.

European Commission Decision

The European Commission issued a decision on July 14, 2020, finding that the companies Celanese, Clariant, Vestolit, and Westlake were guilty of exchanging information about the negotiations over the MCP. They thereby formed a (purchasing) cartel, which violates the European cartel prohibition. The European Commission did not investigate whether the exchange of information actually had an effect on the ethylene price.

Two cases Amsterdam District Court

In two cases, damages are claimed on behalf of sellers of ethylene. They allege that the MCP, and thereby the price of ethylene, was set too low as a result of the prohibited information exchange. Repsol wants the damages to be determined in follow-on proceedings; it estimates those damages at hundreds of millions. A subsidiary of Shell (Shell Chemicals Europe) claims damages of more than one billion euros.

In order to determine whether the prohibited information exchange of the cartel actually influenced the MCP, the court assessed expert reports submitted by the claimants and defendants.

The expert report on Shell's side calculates an enormous loss for Shell due to a MCP that was set too low. In that report, the expert compares prices in Northwest Europe with prices on Asian markets. The court considers those markets insufficiently comparable. The experts on the side of the defendant cartel participants conclude that no significant effect is measurable in the period during which the prohibited consultations took place. In the Repsol case as well, the experts on both sides reach divergent results.

The court considers the damages theory on which Repsol relies not plausible. According to the court, an actual effect of the prohibited consultations among the buyers of ethylene is not plausible, in part because of the manner in which the MCP was established. That process always required agreement between two pairs of buyers and sellers. The cartel participants together purchased only 15% of the available ethylene, and sellers had alternatives if these buyers offered too little. Moreover, all market participants, including Shell and Repsol, had knowledge of the most important price-relevant factors, such as the price of crude oil and the quantity of ethylene demanded and available on the market.

Because the court cannot establish that the prohibited information exchange of the ethylene cartel actually influenced the MCP, the claims for damages are dismissed.

Five other cases concerning the ethylene cartel are currently pending before the court.

More information

For more information, you may send an e-mail to the Communications department of the Amsterdam District Court.

Decisions

[ECLI:NL:RBAMS:2026:7690](#)

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