
CDC's cement cartel claim admissible, says German Supreme Court

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IN BRIEF

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CDC has been in lengthy proceedings against members of the cement cartel, which was fined a total of 660 million euros by the German antitrust authority for price fixing. Lafarge, Dyckerhoff and Readymix (now CEMEX Deutschland), Schwenk Zement, Heidelberg Cement and Holcim were all involved in the decision from April 2003.

The Higher Regional Court in Duesseldorf ruled on 14 May last year that a bundled 114 million euro claim by CDC was admissible, allowing proceedings on the substance to advance.

That judgment explicitly ruled out the cement producers' right to appeal to the Federal Supreme Court but Dyckerhoff opted to challenge this at the 'Bundesgerichtshof' (see [here](#)).

Today, that court rebuffed Dyckerhoff's request for appeal stating that "there were no fundamental legal questions to be addressed."

"The scope and complexity of the substance of the proceedings, which arise from the bundling of claims of numerable companies, could not put the admissibility of the claim into question," said the court in a statement (see [here](#)).

The claim is also admissible "because the determination of the amount of the damage requires an estimation by the judge," continues the court. The substance of the case will have to be assessed within the further proceeding at the lower court.

The order has not yet been made available.