

CARTEL DAMAGE CLAIMS

- CDC -

Press Release

Damages action against members of the Sodium Chlorate Cartel

Brussels, 10 June 2011 - On 31 May 2011 CDC Cartel Damage Claims started legal proceedings against Akzo Nobel, Kemira Chemicals, EKA Chemicals and Arkema France for damages resulting from their participation in the European sodium chlorate cartel. The action was filed in the Netherlands. CDC is represented by the law firm Barents Krans.

The claims stem from the violation of competition law established by the European Commission in its decision COMP/38.695 – *Sodium Chlorate* of 11 June 2008. According to this decision, the defendants participated in a cartel in the European sodium chlorate market from at least 21 September 1994 until at least 9 February 2000. Sodium chlorate is a bleaching agent mainly used in the pulp and paper manufacturing industry. In numerous meetings the cartel members fixed target prices and monitored their implementation, allocated customers as well as market shares and exchanged commercially sensitive information. Pursuant to the Commission, the cartel members pursued an overall strategy of artificially stabilising the sodium chlorate market. The ultimate aim of the infringers was “to coordinate the pricing policy towards the customers and thereby to maximize the margins”. The defendants all acknowledged their participation in the anti-competitive agreements and provided evidence to the Commission under the Leniency Programme.

Prior to the filing of the action, ten pulp and paper companies with a total of 27 production sites located in 10 European countries have sold their cartel-related damage claims resulting from sodium chlorate purchases to CDC. CDC purchased these claims and now enforces them under its own name and on its own account using its technical and economical know-how.

On CDC Cartel Damage Claims

The Brussels-based CDC Cartel Damage Claims group is specialised in the purchase, the preparation and the enforcement of damage claims resulting from the infringement of antitrust law. CDC analyses the effects of anticompetitive practices on the basis of market-wide transaction data and enforces damage claims in its own name and on its own account against cartel members Europe-wide. CDC is currently pursuing four multi-million antitrust damage actions in various European jurisdictions, namely the Netherlands, Finland and Germany, which makes it the frontrunner and the most experienced player in the field of private antitrust enforcement in the EU.

With its approach CDC overcomes the obstacles to the enforcement of antitrust damage claims, which have been observed in practice, irrespective of the introduction of new procedural tools in Europe and particularly outside the often criticised US-style class action. CDC's collective approach results in synergies in the complex analysis of the cartel-related damage as well as in the enforcement of the corresponding claims in and out-of-court.

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