

CDC Cartel Damage Claims appeals first instance judgment in German cement cartel case

Brussels, 21 March 2017 – CDC Cartel Damage Claims SA (CDC SA) has filed an appeal against the first instance judgment rendered by the Regional Court of Mannheim on 24 January 2017 in the German cement cartel case. In the appeal proceedings before the Higher Regional Court of Karlsruhe CDC SA will be represented by Dr. Nadine Herrmann of [Quinn Emanuel](#), Hamburg, Germany.

The Regional Court rejected the claim in its entirety as time barred. The Court thereby followed its appeal court, the Higher Regional Court of Karlsruhe, which had decided in a judgment of 9 November 2016 that section 33(5) of the German Act on Restraints of Competition (ARC), a provision suspending limitation periods, is not applicable to claims which arose prior to the entry into force of the provision. This judgment of the Higher Regional Court of Karlsruhe is a minority opinion and diverges from judgments of the Higher Regional Courts in Düsseldorf and Jena, as well as from many recent first instance judgments throughout Germany.

The Higher Regional Court of Karlsruhe will have the opportunity to reconsider its interpretation of section 33(5) ARC. It is likely that this key issue for private enforcement in Germany will ultimately have to be decided upon by the Federal Court of Justice.

Background

On 16 September 2015 CDC SA filed an action before the Regional Court of Mannheim against HeidelbergCement AG. With this action CDC SA claims more than €138 million in damages resulting from cartel agreements (ref. no.: 2 O 195/15).

Since the beginning of the 1990s HeidelbergCement took part in illegal agreements on the division of markets and sales quotas regarding the eastern and southern German cement markets, until the German Federal Cartel Office discovered the cartels in spring 2002. The cartel activities led to significant excess profits for the companies involved. This fact was confirmed by the 2a. Cartel Senate of the Higher Regional Court of Düsseldorf in 2009 as well as the Federal Court of Justice in 2013.

About CDC Cartel Damage Claims

CDC is the first mover and leading company in Europe specialising in corporate claims for damages resulting from the infringement of EU or national competition law. CDC is exclusively active in the economic analysis, management and enforcement of damage claims relating to competition law infringements. CDC has accomplished unparalleled success in its 15 years of highly specialised activity, including having achieved multiple multi-million Euro settlements and landmark judgments in some of the largest antitrust damage actions in the EU.

CDC's approach fully aligns the interests and commercial incentives of CDC with those of damaged companies and as CDC is not a law firm it therefore does not focus on the generation of fees but aims to enforce damage claims at fair value and in the best placed jurisdiction, while keeping costs to the necessary minimum. CDC analyses the effects of anticompetitive practices on the basis of market-wide transaction data resulting in significant synergies in the complex analysis of cartel-related damages as well as in the enforcement of the corresponding claims in and out-of-court. With its approach, CDC overcomes the practical obstacles to the enforcement of antitrust damage claims.

For any further information, please refer to our website www.carteldamageclaims.com or contact us by telephone at +32 / 2 213 49 20 or email schreiber@carteldamageclaims.com.