

CDC Cartel Damage Claims files new action for damages against HeidelbergCement AG

Brussels, 29 October 2015 - On 16 September 2015 CDC Cartel Damage Claims SA ('CDC SA') filed an action before the Regional Court of Mannheim against HeidelbergCement AG ('HeidelbergCement'). With this action CDC SA claims more than € 138 million in damages resulting from cartel agreements (Az.: 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 involved companies. This fact was confirmed by the 2a. Cartel Senate of the Higher Regional Court of Düsseldorf ('HRC') in 2009 as well as the Federal High Court of Justice in 2013. Due to expected damage claims of cartel victims, the courts explicitly abstained from skimming the cartelists' profits in addition to the imposed fines.

With its action in Mannheim CDC SA now claims damages resulting from assigned claims of 23 mostly medium-sized companies who had purchased cement from HeidelbergCement's distribution area during the cartel. In order to secure the ability to cover legal cost risks for three instances, CDC SA has, as a precaution provided security of € 2.3 million to the benefit of HeidelbergCement and the court cashier. CDC SA hereby takes account of the requirements established in a decision rendered by the 1st Cartel Senate of the Higher Regional Court of Düsseldorf in February 2015, which dismissed a damage action which was already filed in 2005 against HeidelbergCement and five other cartel members arising from claims assignments of 36 cement purchasers. In the Düsseldorf judges' opinion the assignments of the claims were contrary to public policy and therefore void, because they allegedly had the sole purpose of shifting cost risks to an insufficiently funded company. The HRC did not allow a further appeal of its decision and therefore the decision is final. To learn more about the first damage claims action of CDC SA regarding cartel agreements in the German cement sector please click [here](#).

In fact, subsequent to the dismissal of its action in Düsseldorf CDC SA paid all court fees and all assessed adverse legal costs of the sued cement producers to the full extent, amounting to more than € 3.5 million in total.

Going to court once again became necessary after HeidelbergCement refused to settle the dispute amicably through a procedure before an officially recognised conciliation body which was initiated by CDC SA and the damaged companies.

The current action is based on the observations of the administrative fine proceedings as confirmed by the Federal High Court of Justice. In addition, CDC SA has analysed extensive data regarding cement purchases of the damaged companies during and after the cartel as well as additional information about the concerned cement markets together with expert assistance from renowned economists of Vienna University. The artificially inflated price effect caused by the cartel agreements to the disadvantage of cement purchasers is hereby proven in detail and amounts to 30.67% in the Eastern region and 25.48% in the Southern region on

average. Furthermore, these findings are corroborated by a [study](#) by the Centre for European Economic Research in Mannheim.

In its proceeding CDC SA is represented by the law firm [Quinn Emanuel Urquhart & Sullivan](#) under the leadership of Dr. Nadine Herrmann. This law firm specialises in large scale cartel damage claims cases and in this field is one of the leading players worldwide.

About CDC Cartel Damage Claims

CDC SA was founded as the first company of the CDC Group ('CDC') in 2002. CDC specialises in analysing, quantifying and enforcing claims resulting from damages suffered by companies due to infringements of European or national antitrust law. CDC meanwhile has taken up several additional cases, each of them amounting to more than € 100 million in claims, and is considered to be one of the pioneers in the field of private antitrust enforcement in Europe.

CDC combines specific knowledge of economics, civil and antitrust law and information technology in order to offer innovative and well-founded solutions regarding the assessment and enforcement of damage claims. Typically CDC assesses the harmful impacts of anti-competitive conduct on the basis of market-wide transaction data of a multitude of damaged companies.

In current cases like 'Cement', 'Hydrogen peroxide', 'Sodium chlorate' and 'Paraffin wax' CDC enforces damage claims on its own behalf and on its own expense, both in and out of court. CDC has already achieved substantial settlements and run several cases before courts of the European Union as well as national courts of different member states leading to landmark decisions.

CDC's expertise in the field of private antitrust enforcement is recognised by private entities as well as by public authorities. As needed, CDC is also assisted by external partners in order to ensure that every single case leads to the best possible result in every respect.

For further information about CDC please click [here](#) or telephone +32-(0) 2-2134920.

