

## Damage Claims Against Cartels

Did your company purchase products or services from companies that were or still are members of a cartel? Is there a possibility that your company was a member of a cartel, or even still is? If you are able to answer one of these questions with “yes”, sooner or later you are going to have to deal with the topic of “damage claims against cartels”. You should not be unprepared.

Cartels restrict competition among cartel members, for example when cartel members discuss price increases. Cartels fundamentally lead to market prices that are higher than the prices that would have developed if there had been competition between the cartel members. Through their unlawful agreement, the cartel members earn unlawful excess proceeds at the cost of their customers. If the cartel is exposed, cartel members have to pay high fines. In addition, the cartel members’ customers can reclaim the excess proceeds unlawfully earned by the cartel members under certain conditions via a legal action for damages.

The topic of damage claims against cartels is currently one of the most intensively debated topics in the area of German and European antitrust law. There is extensive agreement among practitioners that there will be (additional) major lawsuits to claim damages against cartels in Germany and Europe in the future. However, many points of law have not yet been settled in detail. The claims for damages of a cartel member’s customers can reach considerable amounts (the currently pending CDC trial regarding claims for damages against the German

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cement cartel is in regard to € 113 million). Customers of a cartel member must therefore check whether and how possible claims for damages are to be asserted after a cartel has been exposed.

Contact us if you need assistance in respect of damage claims against cartels, be it as a claimant or defendant. We would be happy to provide you free of charge with extensive informational material and answer questions you may have.