

## **Cement firms lose bid to dismiss cartel lawsuit**

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HOLCIM Ltd, HeidelbergCement AG, Lafarge SA and three other cement producers have lost their court bid to throw out a lawsuit over an alleged price-fixing cartel. Last week Germany's higher regional court in Düsseldorf ruled that a damages claim against the companies is admissible. The decision backs the conclusion reached by a lower court last year.

The lawsuit, filed by Belgian claims company Cartel Damage Claims (CDC), is seeking around €113 million in damages for 36 unidentified companies after a 2003 investigation by Germany's Federal Cartel Office found six cement firms guilty of colluding on quotas and geographical regions in a cartel stretching back to the 1970s.

In a prepared statement the Düsseldorf court said: 'As far as the admissibility of the claim is concerned, the claimant has provided sufficient evidence for its calculation and the minimum damages it claims.'

However, despite the court's ruling, some German legal experts have questioned whether the damages claim can be justified, arguing that while the ruling is an important step, the really major steps still lie ahead.

Nevertheless, the British Aggregates Association, which last year charged CDC with investigating alleged cement cartels in the UK following a number of complaints from its members, said the Düsseldorf court's decision was 'very good news'.

Seamus Maye of CDC is hoping the decision will help to fuel further action in the UK. 'We expect that the German court's vindication of CDC's methodology, coupled with the recent Office of Fair Trading offer of up to £100,000 for whistleblowers, will greatly help in bringing UK cement prices into line with the Continent,' he said.

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