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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Landgericht Dortmund (Germany) lodged on 26 June 2013 — Cartel Damage Claims Hydrogen Peroxide SA (CDC) v Evonik Degussa GmbH, Akzo Nobel N.V., Solvay SA, Kemira Oyj, Arkema France, FMC Foret SA, Chemoxal SA, Edison SpA

(Case C-352/13)

(2013/C 298/02)

*Language of the case: German***Referring court**

Landgericht Dortmund

Parties to the main proceedings*Applicant:* Cartel Damage Claims Hydrogen Peroxide SA (CDC)*Defendant:* Evonik Degussa GmbH, Akzo Nobel N.V., Solvay SA, Kemira Oyj, Arkema France, FMC Foret SA, Chemoxal SA, Edison SpA**Questions referred**

1. (a) Is Article 6(1) of Council Regulation (EC) No 44/2001 ⁽¹⁾ of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that, in the case of an action in which a defendant domiciled in the same State as the court and other defendants domiciled in other Member States of the European Union are together the subject of an application for disclosure and damages on account of a single and continuous infringement of Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement which has been established by the European Commission and committed in several Member States and in which the defendants have participated in different places and at different times, it is expedient to hear and determine

those applications together to avoid the risk of irreconcilable judgments resulting from separate proceedings?

- (b) Is it significant in this regard if the action against the defendant domiciled in the same State as the court is withdrawn after having been served on all the defendants, before the expiry of the time-limits prescribed by the court for lodging a defence and before the start of the first hearing?

2. Is Article 5(3) of Regulation (EC) No 44/2001 to be interpreted as meaning that, in the case of an action for disclosure and damages brought against defendants domiciled in a number of Member States of the European Union on account of a single and continuous infringement of Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement which has been established by the European Commission and committed in several Member States and in which the defendants have participated in different places and at different times, the harmful event occurred in relation to each defendant and in relation to all heads of damage claimed or the overall loss in those Member States in which cartel agreements were concluded and implemented?

3. In the case of actions for damages for infringement of the prohibition of agreements, decisions and concerted practices contained in Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement, does the requirement of effective enforcement of the prohibition of agreements, decisions and concerted practices laid down in European Union law allow account to be taken of arbitration and jurisdiction clauses contained in contracts for the supply of goods, where this has the effect of excluding the jurisdiction of a court with international jurisdiction under Article 5(3) and/or Article 6(1) of Regulation (EC) No 44/2001 in relation to all the defendants and/or all or some of the claims brought?

⁽¹⁾ Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).