

Judgment of the Court (Fifth Chamber) of 5 June 2014 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Kone AG, Otis GmbH, Schindler Aufzüge und Fahrtreppen GmbH, Schindler Liegenschaftsverwaltung GmbH, ThyssenKrupp Aufzüge GmbH v ÖBB-Infrastruktur AG

(Case C-557/12) ⁽¹⁾

(Article 101 TFEU — Damages for the loss caused by a cartel prohibited by that article — Loss resulting from the higher price charged by an undertaking as a result of a prohibited cartel to which it is not a party ('Umbrella pricing') — Causal link)

(2014/C 253/11)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicants: Kone AG, Otis GmbH, Schindler Aufzüge und Fahrtreppen GmbH, Schindler Liegenschaftsverwaltung GmbH, ThyssenKrupp Aufzüge GmbH

Defendant: ÖBB-Infrastruktur AG

Re:

Request for a preliminary ruling — Oberster Gerichtshof — Interpretation of Article 101 TFEU — Damages for the loss caused by a cartel prohibited by that article — Loss resulting from the higher price charged by an undertaking as a result of a prohibited cartel to which it is not a party

Operative part of the judgment

Article 101 TFEU must be interpreted as meaning that it precludes the interpretation and application of domestic legislation enacted by a Member State which categorically excludes, for legal reasons, any civil liability of undertakings belonging to a cartel for loss resulting from the fact that an undertaking not party to the cartel, having regard to the practices of the cartel, set its prices higher than would otherwise have been expected under competitive conditions.

⁽¹⁾ OJ C 71, 9.3.2013.

Judgment of the Court (Sixth Chamber) of 22 May 2014 (request for a preliminary ruling from the Szegedi Ítéltábla — Hungary) — Érsekcsanádi Mezőgazdasági Zrt v Bács-Kiskun Megyei Kormányhivatal

(Case C-56/13) ⁽¹⁾

(Directives 92/40/EEC and 2005/94/EC — Decisions 2006/105/EC and 2006/115/EC — Charter of Fundamental Rights of the European Union — Articles 16, 17 and 47 — Measures for the control of avian influenza — Compensation for damage)

(2014/C 253/12)

Language of the case: Hungarian

Referring court

Szegedi Ítéltábla

Parties to the main proceedings

Appellant: Érsekcsanádi Mezőgazdasági Zrt

Respondent: Bács-Kiskun Megyei Kormányhivatal