

## European Commission appeals the Belgian court's judgment on damages against Elevators manufacturers

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The European Commission ("EC") is appealing a decision of the Belgian Commercial Court throwing out the EC's claim for damages in relation to contracts for installation and maintenance of elevators and escalators, which the EC concluded with the members of a cartel active from 1995 – 2005. The EC's damages action follows its enforcement decision in which it levied fines totalling €992 million on the undertakings involved in the cartel.

The court's ruling illuminates the importance of the changes introduced by the new EU Damages Directive.

On 27 February 2007 the European Commission ("EC") fined four manufacturers of elevators and escalators €992 million. The EC initially brought a follow-on action for damages against the four companies on behalf of the European Community in Belgium in 2008. On 24 November 2014, the Belgian Commercial Court decided that the EC's action was admissible in principle but dismissed the claim for damages on the basis that: (i) insufficient evidence was adduced as to the causal link between the anti-competitive behaviour and loss; and (ii) the EC failed to prove an overcharge.