European Union

“Kone”

Treaty on the Functioning of the European Union, Art. 101 – *Kone AG, Otis GmbH, Schindler Aufzüge und Fahrtreppen GmbH, Schindler Liegenschaftsverwaltung GmbH and ThyssenKrupp Aufzüge GmbH v. ÖBB-Infrastruktur AG*

**Decision of the European Court of Justice (Fifth Chamber)
5 June 2014 – Case No. C-557/12**

© Max Planck Institute for Innovation and Competition, Munich 2014

1. 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.

Official headnotes.

Available at <http://curia.europa.eu>.