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press release

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CMS Hasche Sigle secures further victory for drug store chain

Federal Court of Justice upholds acquittal of Dirk Roßmann and Dirk Rossmann GmbH

Stuttgart – A ruling by the Federal Court of Justice on 9 November 2010 has definitively confirmed that Dirk Rossmann GmbH, which operates some 1,500 health and beauty outlets in Germany, may continue to use suppliers' marketing contributions to reduce the price of the relevant products, thus offering them at a particularly attractive price.

Düsseldorf Higher Regional Court had acquitted Rossmann in November 2009 of 257 counts of having violated the ban on offering goods below cost price in 2005 (section 20 para. 4 sentences 1 and 2 of the German Act against Restraints on Competition (GWB)). The action was originally brought by the German Federal Cartel Office against Mr Dirk Roßmann and Dirk Rossmann GmbH and a fine imposed. Following last year's six-day hearing, the Higher Regional Court stressed that Rossmann was receiving a "first-class acquittal".

The Competition Senate of the Federal Court of Justice has now upheld the acquittal and rejected the appeal by the Chief Public Prosecutor's office in Düsseldorf against the judgment.

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For more information please visit our website www.cms-hs.com. For more information about CMS please visit www.cmslegal.com.

CMS Hasche Sigle defended Dirk Roßmann personally and Dirk Rossmann GmbH before the German Federal Cartel Office, Düsseldorf Higher Regional Court and the Federal Court of Justice. Dr Harald Kahlenberg represented Dirk Roßmann, while Dr Rolf Hempel acted for Dirk Rossmann GmbH.

Advisers CMS Hasche Sigle:

Dr Harald Kahlenberg, Competition (Lead Partner)

Dr Rolf Hempel, Competition

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