

## Press Release

# Trucks Cartel: Amsterdam District Court rules in favour of CDC on standing, validity of the assignments and applicable law

*Luxembourg, 27 July 2022*

In a landmark [judgment](#) the Amsterdam District Court (“Court”) today confirmed the standing of CDC Retail SA (“CDC”) to enforce damage claims of more than 700 companies affected by the anticompetitive practices of the European trucks manufacturers. The judgment confirms the approach taken by CDC and backs the ‘assignment model’ which allows for the effective bundling of damage claims of multiple victims of one and the same cartel in a single action. The Court rebutted all objections raised by the defendants against the validity of the assignments, including arguments under German law (‘Rechtsdienstleistungsgesetz’) and English law (‘Champerty and Maintenance’). The Court also decided that the damage claims are uniformly governed by Dutch law. This will significantly facilitate the process going forward and enhance procedural efficiency.

*“We are very happy about this outcome, especially for the companies harmed by the trucks cartel. This new judgement by the Amsterdam Court confirms the approach of CDC as the lead plaintiff in this case. The Court has backed the ‘assignment model’ and has strengthened the attractiveness of the Dutch courts for an effective compensation of cartel victims.”*

*– Till Schreiber, Managing Director of CDC*

### Background

CDC’s action, filed in July 2017, pertains to approximately 60,000 trucks sourced by over 700 affected companies, which sold and transferred their damage claims to CDC. In substantiating the claim, CDC had submitted almost 200,000 documents. Today’s judgment concerns actions brought by several plaintiffs, including CDC, against DAF, MAN, Volvo/Renault, Daimler and Iveco for damages resulting from their participation in the European Trucks cartel. The CDC action is based on the decision of the European Commission of 19 July 2016 (Case AT.39824 – Trucks) which found the truck manufacturers had coordinated the pricing for medium and heavy trucks and the timing for the introduction of emission reduction technologies as well as the passing on of the costs for such technologies to customers. The Commission had imposed record fines of several billion Euro for the infringement which covered the entire EEA and lasted 14 years. Additionally, in June 2020, CDC filed a second action for damages relating to over 30,000 trucks purchased or leased by close to 400 companies.

CDC is represented by Joost A. Möhlmann of the law firm Van Benthem & Keulen, Utrecht.

\*\*\*\*\*

[www.carteldamageclaims.com](http://www.carteldamageclaims.com)

