

Press Release

Amsterdam District Court Advances on Trucks Cartel Litigation

Luxembourg, 28 February 2024

In an interim judgment the Amsterdam District Court (“Court”) today took several case management decisions, primarily giving instructions for continuation of the debate regarding the (standard of) substantiation of the claims. In two paragraphs (3.9 and 3.11) the court refers to CDC Retail SA (“CDC”) for its exemplary data and evidence preparation. Further, the Court made clear that claims without any link to the EEA are out of scope. On the other hand, the Court declined the truck manufacturers’ attempts to narrow the relevant evidence to specific types of documentation and rejected the defendants’ request to stay the proceedings. Furthermore, the Court proposed consolidating discussions on damages within the main proceedings to streamline the legal process and invites the parties to comment on that view.

Background

CDC’s action (C/13/639718/HA ZA 17-1255), 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.

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