

## Press Release

### Amsterdam District Court rules that Trucks cartel led to price overcharge of 7%

Luxembourg, 16 April 2026 – The Amsterdam District Court has ruled that the European Trucks cartel caused a price overcharge of 7%. In an [interim judgment](#) handed down yesterday in proceedings brought by Retail Cartel Damage Claims (CDC) and concerning roughly 60,000 trucks, the Court endorsed the methodology and econometric analysis of CDC's economic experts, Maarten Pieter Schinkel and Leo Huberts (University of Amsterdam), as well as the quality of the underlying data submitted by CDC. The Court also found that the post-cartel period lasted until 30 May 2013.

*“This is a decisive validation of our case and an important step towards compensation for harmed companies. The ruling by the Amsterdam Court confirms our approach, particularly regarding the economic analysis of the cartel and its effects. The reasoning by the Amsterdam Court is remarkable and set standards that will have an impact on proceedings concerning the European Trucks cartel in the Netherlands and beyond.”*

– Till Schreiber, Managing Director of CDC

#### Background

CDC's action, filed in July 2017, pertains to about 60,000 trucks sourced by over 700 affected companies, that sold and transferred their damage claims to CDC (“assignors”). In substantiating the claim, CDC had submitted almost 200,000 documents. The 15 April 2026 judgment concerns the first action brought by 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 euros for the infringement which covered the entire EEA and lasted 14 years. In addition, in June 2020, CDC filed a second action for damages relating to over 30,000 trucks purchased or leased by close to 400 companies.

#### Price overcharges of 7%

In prior interim judgments, the Court had already answered affirmatively the question of whether the Trucks cartel infringement could cause harm to the assignors. It reaffirmed this assessment in this detailed interim judgment, characterising the theory of harm presented by CDC's experts as conclusive and convincing. On quantification, the Court ruled that the overcharge caused by the European Trucks cartel amounts to 7% of the paid price. The Court confirmed the methodology applied by CDC's economic experts Maarten Pieter Schinkel and Leo Huberts who carried out an EU-wide econometric analysis. The Court rejected the defendant experts' more fragmented approach of modelling brand and country combinations in isolation. The Court explicitly confirmed the quality and representativeness of CDC's data. The Court furthermore discussed why the use of the defendants' data, and especially their internally constructed cost-series, is problematic. In doing so, it referred to the judgments by the English CAT and the Norwegian Borgarting Court of Appeal, specifically on the potential endogeneity and lack of transparency of such cost series. The Court followed CDC's experts also regarding the end of the damage period and decided that the post-cartel period lasted until 30 May 2013.

#### Volume and value of commerce

The judgment is also a win for CDC on the important questions of “volume of commerce” and “value of commerce”. Volume of commerce concerns the question of which truck sourcing transactions are deemed as having been sufficiently substantiated. The Court rejected virtually all the defendants' arguments. In particular, it confirmed CDC's argument that, if invoices are not available anymore, other documents, such as vehicle registrations and database extracts from national road authorities, can be used to substantiate the truck-sourcing transactions. The shorthand “value of commerce” essentially refers to the question of which

prices and payments are to be used. Here too, the Court fully sided with CDC and confirmed that purchase prices and leasing instalments paid by CDC's assignors (rather than prices paid by the dealers) and as captured by CDC are the correct bases for damage calculation. No changes, other than the corrections of a very low number of already identified errors will result, and defendants are now barred from advancing any additional defences in this regard. The Court furthermore confirmed CDC's algorithms for estimating prices and payment streams for truck sourcing transactions for which exact information was no longer available.

### **Damage due to higher operating costs**

CDC had argued that, in addition to the price overcharge, assignors had suffered higher operating costs in the form of expenditures for diesel and tolls because of the collusively delayed introduction of new emission reduction technologies. The Court did not follow CDC on this point, holding that the delay and the resulting extra costs had not been sufficiently proven.

### **Passing-on defence**

Consistent with its position at the oral hearing, the Court made clear that the debate on the so-called passing-on defence must continue. The passing-on defence is the argument that the assignors' recoverable damage should be reduced to the extent that they were able to pass the inflated truck prices on to their own customers through higher prices. The Court confirmed that the burden of substantiation and proof rests with the defendants. At this stage, the Court cannot exclude that the damage was at least partially passed on downstream, and it has questioned whether CDC's categorical rejection of the defence is sufficient. The Court intends to develop this debate further.

### **Next steps**

The Court reiterated that its interim judgment is based on Dutch law, but that it will not render a final judgment until the Court of Justice of the European Union has ruled on the questions referred to it by the Dutch Supreme Court on the applicability and the choice of uniform Dutch law in the trucks case. Finally, it invites the parties to submit their views on the final determination of the volume and value of commerce as well as on how the debate on the passing-on defence shall continue.

CDC is represented by the law firm AKD, partners Nikee Groot and Jeffrey Kleywegt.

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