

CPO Application and Hearing Notice

Your opportunity to comment on collective legal claims brought against European truck manufacturers by 1) UK Trucks Claim Limited and 2) the Road Haulage Association Limited

This is a legal notice that has been issued at the direction of the Competition Appeal Tribunal. For further details, please visit www.catribunal.org.uk

- The Competition Appeal Tribunal (“Tribunal”) is considering two applications for a collective proceedings order (“CPO”) in relation to an admitted infringement of competition law by European truck manufacturers. The applications have been made by UK Trucks Claim Limited (“UKTC”) and the Road Haulage Association Limited (“RHA”).
- The purpose of each application is to obtain permission from the Tribunal to bring a collective claim for compensation against certain truck manufacturers on behalf of persons who have purchased or leased trucks since January 1997. This notice highlights your right to take part in the Tribunal’s consideration of the two CPO applications by sending in your written observations and applying to be heard **at a hearing scheduled for 3-7 June 2019**.
- The proposed collective claims are based on a decision of the European Commission in July 2016 recording the acceptance by DAF, Daimler/Mercedes-Benz, Iveco, MAN, and Volvo/Renault that they engaged in price fixing and other cartel activities between 17 January 1997 and 18 January 2011 relating to trucks weighing 6 to 16 tonnes (“medium trucks”) and trucks weighing more than 16 tonnes (“heavy trucks”). The aim of each collective claim is to secure compensation for persons who purchased or leased trucks to the extent it can be demonstrated at trial that they suffered higher truck prices, leasing and/or running costs than would otherwise have been the case without the cartel.
- The two CPO applications have some aspects in common but also some important differences. As regards the individual claimants that would be represented, there is a substantial degree of overlap:
 - The proposed class covered by UKTC’s claim is any person who, between 17 January 1997 and 18 January 2011, purchased or leased one or more new medium or heavy trucks registered in the United Kingdom. The proposed class includes all those who drive and operate trucks as part of their business, whatever type of business that might be. It excludes military trucks, the authorised dealers of truck manufacturers, and finance companies whose only interest is to help others finance the acquisition of the trucks. Further details on UKTC’s claim can be found on the Tribunal’s website at www.catribunal.org.uk/sites/default/files/2018-07/1282_Trucks_Summary_290618_0.pdf and on the UKTC’s website at www.uktrucksclaim.co.uk.
 - The proposed class covered by the RHA’s claim is essentially the same as the class of persons covered by UKTC’s proposed class, provided they are involved in road haulage operations and do not purchase trucks merely to sell or lease to third parties. Its claim also covers persons who purchased or leased trucks at any time up to the present day, even if they did not purchase or lease trucks before 18 January 2011. The RHA’s claim covers not only new but also pre-owned trucks. The RHA’s claim also covers trucks registered in European countries other than the UK, provided the person belongs to a corporate group which also purchased or leased trucks in the UK. Further details on the RHA’s claim can be found on the Tribunal’s website at www.catribunal.org.uk/sites/default/files/2018-08/1289_Trucks_Road_Notice_270718.pdf and on the RHA’s website at www.truckcartellegalaction.com.
- The major difference between the two CPO applications is that UKTC is seeking an order that would mean that all claimants falling within UKTC’s proposed class definition would automatically be part of UKTC’s collective claim unless they choose to opt out of the collective claim. By contrast, the RHA’s collective claim would require any claimant falling within the proposed class definition to positively opt in to the proceedings before they can be a part of the collective claim. If the Tribunal is not prepared to make an “opt out” order in the UKTC claim, then UKTC is also seeking an order to allow it to pursue an “opt in” collective claim for its proposed class.

Hearing of the CPO Applications

- A hearing has been set for 3-7 June 2019 to determine whether either or both of the proposed collective claims can go ahead (including whether the UKTC collective claim should proceed on an opt out or opt in basis). The hearing will take place at the Competition Appeal Tribunal, Victoria House, Bloomsbury Place, London WC1A 2EB.
- Any person with sufficient interest (including any proposed class member) can provide written objections to either or both of the CPO applications and/or seek to make oral observations at the hearing. To do so, you need to write to the Tribunal at the above address by 4pm on 12 April 2019 referencing the RHA and/or UKTC.