

Fair compensation for UK truck owners, disadvantaged by an unlawful cartel

Claiming damages for infringement of EU competition law by Europe's Leading Truck Manufacturers

Update – May 2022

Background

In 2018 UK Trucks Claim Limited (UKTC) applied to the Competition Appeal Tribunal (CAT) for a Collective Proceedings Order (CPO) with a view to claiming damages on behalf of purchasers and lessees of new trucks in the UK caused by the cartel operated by the six largest manufacturers of medium and heavyweight trucks in Europe between 1997–2011. The European Commission published a Decision in 2016 fining five of the manufacturers involved €2.9bn and in September 2017 fined the sixth manufacturer, Scania, €0.9bn. Scania appealed its fine but it has been upheld by the European General Court.

UKTC is a company specially formed to bring this class action in the CAT. The board of UKTC is drawn from experienced members of industries directly affected, with a former Deputy High Court judge as its Chairman. UKTC's aim is to represent the interests of a class of victims made up of those who purchased or leased new trucks in the UK during the period of operation of the cartel, whatever sector they may have operated in. UKTC is pursuing the class claim as a completely independent body representing the interests of class members from sectors including:

- Wholesale
- Retail
- Logistics
- Manufacturing
- Construction
- Distribution
- Delivery Services
- Local Authorities
- Emergency Services
- Haulage.

UKTC's class definition is any person or organisation who, during the period of the cartel, purchased or leased one or more new medium or heavy trucks registered in the UK. It includes all those who drive and operate trucks as part of their business. The class excludes military trucks, the authorised dealers of truck manufacturers and finance companies whose only interest is to help others to finance the acquisition of the trucks.

UKTC's application is for an "opt-out" CPO, by which all new truck purchasers and lessees are automatically included in the class action unless they choose to opt-out. To qualify as a class member a victim does not need to sign up to any funding agreement or insurance policy because UKTC has already put those arrangements in place. **Under this opt-out case, the legal costs and funding costs would not be deducted from the award of damages, enabling each victim to take its full share of the award of damages, without any deductions.**

Whilst we believe the opt-out option best serves the interests of all those who have been financially disadvantaged by the actions of the cartelists, UKTC has also applied for an opt-in order as an alternative to its opt-out claim. We have done this to provide the CAT with this option should it be so minded. The cost and funding position is different for an “opt-in” CPO.

Further details of the claim and information about UKTC can be found at UKTC’s website:

<https://uktrucksclaim.co.uk/>

Current position

UKTC’s application to the CAT to bring a collective claim for damages on behalf of those who acquired new medium or heavy trucks in the UK during the 14 year period 1997 –2011 was heard over five days from 19 April 2021.

At the same time, the Tribunal heard the RHA’s application to bring a collective claim arising from the same competition law breach.

The Tribunal reserved its judgment on both applications. We understand that it is likely that the Tribunal will publish its decision in late May or June 2022. As soon as this is published we shall provide a further news update.

All truck owners who want to benefit from UKTC’s action need take **no further action** for the moment. However, if you would like to know more about UKTC’s application and would like to talk directly to a member of the UKTC independent Board, please email: info@uktrucksclaim.co.uk

Next steps

When the CAT makes its decision as to whether UKTC’s class action should go forward, further guidance on how you participate and how you claim will be available. **Until then anyone wanting to benefit from UKTC’s claim need take no action.**

If you wish to register your interest in the UKTC claim and to receive regular updates from Weightmans or if you have any questions or comments, please email jamie.norris@weightmans.com