



COMPETITION APPEAL TRIBUNAL

NOTICE OF AN APPLICATION TO COMMENCE COLLECTIVE PROCEEDINGS UNDER SECTION 47B OF THE COMPETITION ACT 1998

CASE NO. 1763/7/7/26

Pursuant to rule 76(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Rules”), the Registrar gives notice of the receipt on 29 January 2026 of an application to commence collective proceedings, under section 47B of the Competition Act 1998 (the “Act”), by Haulage Customer Claim Limited (the “Proposed Class Representative” or the “PCR”) against: (1) Scania (Great Britain) Limited; (2) Scania Atiebolag (Publ); (3) Scania CV Aktiebolag (Publ); and (4) Scania Deutschland GmbH (together, “Scania” or the “Respondents” or the “Proposed Defendants”). The PCR is a Special Purpose Vehicle (“SPV”) and is represented by Edwin Coe LLP, 2 Stone Buildings, Lincoln’s Inn, London WC2A 3TH (Reference: David Greene and Charlotte Kessler).

The claims which it is proposed to combine in these proposed collective proceedings are “follow-on” claims for damages under section 47A of the Act. They are claims for damages allegedly caused by Scania’s breach of statutory duty in infringing Article 101(1) of the Treaty on the Functioning of the European Union (“TFEU”) and Article 53 of the European Economic Area Agreement, and follow on from an infringement Decision of the European Commission dated 27 September 2017 (the “Scania Infringement Decision”) which was upheld by the General Court of the European Union (“EU”) in Case T-799/17 on 2 February 2022, and further upheld by the Court of Justice of the EU in Case C-251/22 P on 1 February 2024.

According to the collective proceedings claim form (“CPCF”), the Second, Third and Fourth Proposed Defendants are addressees of the Scania Infringement Decision (the “Scania Addressees”), which found that they had engaged in a cartel with five other truck manufacturers who were addressees of a settlement Decision adopted on 19 July 2016 (the “Trucks Cartel Settlement Decision”). The five addressees (referred to by the shorthand name of the corporate group to which they belonged) were DAF, Daimler, Iveco, Volvo/Renault and MAN.

The Scania Infringement Decision found that the Scania Addressees had engaged in a cartel with the five named truck manufacturers by (Article 1) “colluding on pricing and gross price increases in the EEA for medium and heavy trucks; and the timing and the passing on of costs for the introduction of emission technologies for medium and heavy trucks required by EURO 3 to 6 standards”.

The cartel was found to have lasted from 17 January 1997 to 18 January 2011 (the “Cartel Period”). The Fourth Proposed Defendant was found to have participated from 20 January 2004 to 18 January 2011.

The CPCF states that the Scania Infringement Decision found that the cartel was not limited to an exchange of gross prices, but that in some instances, the cartellists agreed gross price increases and also discussed net prices. Further, the Scania Infringement Decision found that the cartel in fact impacted on prices at the national level.

The proposed class members are all “Persons”¹ (other than “Excluded Persons”²) domiciled in the UK who entered into a contract for the purchase of “Truck Haulage Services”³ in the course of their business with

¹ Meaning all persons whether legal or natural or public institutions.

² Meaning any Person engaged in the business of haulage who provided Truck Haulage Services in the UK between 17 January 1997 and 31 December 2018, any Person who is a claimant in another action concerning the same subject matter as these proceedings, unless they discontinue or stay or sist those claims within three months from date of certification, and any Person not domiciled in the UK between 17 January 1997 and 31 December 2018.

³ Meaning the transportation of any goods, on the basis of hire and reward, using a truck weighing six tonnes or more in the United Kingdom.

haulage providers domiciled in the UK between 17 January 1997 (the start of the cartel) and 31 December 2018.

The class definition includes an eight year run-off period which the PCR submits is necessary because the purchases of new trucks (at inflated prices) at the end of the Cartel Period would continue to impact haulage prices after the cartel ended.

The CPCF states that the class definition is intended to cover those businesses that suffered loss by reason of the cartel and, consequently, is limited to businesses which purchased haulage services from hauliers using medium and heavy trucks, as defined in the Scania Infringement Decision. It thus excludes the purchase of haulage/transportation services using light commercial vehicles, as these vehicles (effectively vans) were not the subject of the cartel. The class definition is intended to be “UK-centric”: it only covers businesses in the UK which bought haulage services in the UK from hauliers domiciled in the UK.

The PCR’s expert economist calculates the aggregate damages as follows. The total upstream overcharge to the truck hauliers who purchased new medium and heavy trucks, from both cartelists and non-cartelists, is estimated at £873 million. This is based on a 5% overcharge of the total value of purchases of new medium and heavy trucks in the 14-year cartel period. The total downstream overcharge to the class is estimated at £436 million. This is based on 50% of the total upstream overcharge being passed on to the class. It is estimated that there are circa 127,000 to 305,000 members of the class.

The PCR submits that it would be just and reasonable for it to act as class representative because:

1. The PCR is not a class member and has no conflict of interest.
2. It is controlled by Mr Mason⁴ who explains in his witness statement accompanying the CPCF that he has the requisite experience and expertise to act as the *de facto* PCR.
3. It has access to experienced and knowledgeable professional advisors.
4. It has adequate funding arrangements, including funding its own claim and any adverse costs.
5. It does not seek any interim relief, which would expose the PCR to any possible undertaking in damages.

The PCR considers that it would act fairly and adequately in the interests of the class. In summary, the key points are as follows:

- (a) The PCR, as a non-class member, is a SPV that was incorporated for the sole purpose of bringing proceedings. Mr Mason is the sole director and member of the PCR and, consequently, the PCR will take the advantage of Mr Mason’s expertise and experience. There is no conflict between the PCR and any professional advisor.
- (b) The PCR’s plans for notifying the proposed class members of the commencement and progress of the proceedings are detailed in a “Notice and Administration Plan” prepared by an experienced class action notice and claims administration company.
- (c) The PCR has prepared a Litigation Plan which sets out the steps envisaged in the litigation and the costs involved. As to case management, it is envisaged that the proposed collective proceedings would be case managed alongside the Road Haulage Association (“RHA”) opt-in proceedings (Case Number: 1289/7/7/18), as similar issues arise, particularly on upstream overcharge. As to estimates of costs, fees and disbursements which may be considered against the funding arrangements, The PCR has funding arrangements in place including an After the Event insurance policy .

⁴ Mr Robert Mason is a partner at the firm Forensic Risk Alliance, where he has been working for the last 12 years, specialising in litigation, arbitration, and regulatory enforcement matters.

The CPCF states that the claims are brought on behalf of an identifiable class of persons and the PCR has sought to frame the definition of the proposed class so that it is possible to say for any particular person, using an objective definition, whether or not that person falls within the class.

The claims proposed to be combined in the proposed collective proceedings are said to raise several common issues – that is, per section 47B(6) of the Act, “same, similar or related issues of fact or law”. The PCR submits that these issues have in effect already been defined by the Tribunal in the RHA proceedings. The common issues for the class in the collective proceedings proposed by the PCR are as follows: (i) the extent of any upstream overcharge in respect of the purchase of new trucks in the UK; (ii) the downstream pass-on of the overcharge by hauliers to their customer who purchased haulage services in the UK; (iii) the quantification of an aggregate award of damages to the class which includes an appropriate run-off period; and (iv) interest.

The PCR submits further that the claims are suitable to be brought in collective proceedings for the following reasons. If there are (as estimated by the PCR’s expert) circa 300,000 proposed class members, it would not be proportionate to insist that each claim be brought on an individual basis with the consequent waste of costs and Tribunal time. Many claims are likely to be low in value on an individual basis, but significant on an aggregate basis and the potential for 300,000 separate claims or alternative dispute resolutions is not practicable. Indeed, collective proceedings are likely to be the only practical and economically viable method for the proposed class members to have access to justice. Thus, the cost benefit analysis favours collective proceedings over many thousands of individual claims.

Finally, the PCR’s position is that the collective proceedings should be opt-out proceedings. The PCR has considered the guidance of the Supreme Court in *Evans v Barclays Bank* [2025] UKSC 48 and its position is that the facts point firmly in favour of opt-out for the following reasons:

1. The proposed claim is not weak. It follows on from an infringement Decision which clearly establishes that Scania entered a price restricting cartel with five other truck manufacturers comprising 90% of the truck market. The finding of an overcharge is very likely, and the cartelists have all argued that there would be some pass-on of any upstream overcharge which, if correct, would complete the PCR’s cause of action. The issue then becomes an issue of quantum across a potentially wide class of circa 300,000.
2. The size of the class militates against the practicality of an opt-in. Even for the larger customers who regularly purchase haulage services, the element of the overcharge down the distribution chain is unlikely to merit the commencement of a costly individual claim against defendants with deep pockets. In any event, it is more efficient to commence the similar claims on a collective basis, which saves cost and judicial time and would be more attractive to a funder, who is a crucial stakeholder funding such claims. Insisting on a small and limited opt-in risks depriving the smaller business in the class of their ability to claim compensation for loss caused by the cartel to which Scania was a party.

The relief sought in the proposed collective proceedings is:

1. Pursuant to section 47C(2) of the Act, the PCR seeks an aggregate award of damages in the proposed collective proceedings, to compensate for the loss to the class allegedly caused by the price cartel in the form of artificially inflated haulage prices.
2. Interest, to be claimed on a compound basis or, alternatively, simple basis.
3. Costs, pursuant to Rule 104 of the Rules.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa CBE, KC (Hon)
Registrar
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