



COMPETITION APPEAL TRIBUNAL

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

CASE NO. 1765/7/7/26

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 30 January 2026 of an application to commence collective proceedings, under section 47B of the Competition Act 1998 (the “Act”), by JLP TCR Ltd (the “Proposed Class Representative” or the “PCR”) against: (1) Scania AB (Publ); (2) Scania CV AB (Publ); and (3) Scania Deutschland GmbH (together, “Scania” or the “Respondents” or the “Proposed Defendants”). The PCR is a Special Purpose Vehicle (“SPV”) and is represented by Fieldfisher LLP, Riverbank House, 2 Swan Lane, London EC4R 3TT (Reference: Richard Pike / Simon Yeung).

The claims which the PCR seeks to combine (the “Constituent Claims”) follow-on from a decision of the European Commission (the “Commission”) addressed to the Proposed Defendants, published on 27 September 2017 (the “Scania 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 Scania Decision found, amongst other things, that Scania, together with other truck manufacturers, exchanged price lists and colluded over price increases in respect of medium and heavy trucks for meeting European emission standards between 17 January 1997 and 18 January 2011 (the “Infringement”).

The Scania Decision follows an earlier decision of the Commission dated 19 July 2016 (the “Settlement Decision”). The Settlement Decision is addressed to a number of major European truck manufacturers, comprising DAF, Daimler, Iveco, MAN and Volvo/Renault, who admitted their involvement in the Infringement in which Scania participated (the “Settling Manufacturers”, and together with Scania, the “Truck Manufacturers”).

The Constituent Claims are for loss and damage caused by the Infringement. The Constituent Claims allege that Scania is liable not only for its own breach of statutory duty, and in particular, its infringement of article 101 of the Treaty on the Functioning of EU, Article 53 of the Agreement on the European Economic Area and equivalent relevant national laws but that Scania is also jointly and severally liable for the Truck Manufacturers’ breach of the same statutory provisions through their involvement in the Infringement.

The Constituent Claims allege that haulage services were priced higher than they would have been had the Truck Manufacturers not committed the Infringement. The PCR relies on the Scania Decision and the Settlement Decision albeit, in the case of the latter, only to establish the liability of the Settling Manufacturers rather than Scania (save as incorporated by reference in the Scania Decision).

The PCR seeks to bring the Claim on an opt-out basis on behalf of UK-domiciled direct purchasers of haulage services in the UK at any time between 17 January 1997 and 31 December 2017 (the “Relevant Period”).

The PCR proposes the following class definition (hereafter the “Proposed Class”, the “Proposed Class Definition” and the “Proposed Class Members”, as appropriate):

“All Persons (other than Excluded Persons (as defined in the CPCF)) who between 17 January 1997 and 31 December 2017 (the Relevant Period) directly entered into a contract with a Haulier¹ domiciled in the United Kingdom for the provision of Road Haulage Services (or in respect of a Person who has since died, their Personal Representative) excluding contracts for Road Haulage Services using Royal Mail”.

The PCR estimates that there will be up to approximately 1.1 million to 1.4 million business members of the Proposed Class (plus potentially some public bodies).

The PCR submits that it would be just and reasonable for it to be authorised to bring the Claim on behalf of the Proposed Class Members. In summary:

1. Mr Justin Le Patourel² has prior experience of acting as a class representative, and is a director of the Class Representatives Network, giving him a solid understanding of the PCR’s responsibilities and obligations to the Proposed Class Members;
2. The PCR has a workable plan for the proceedings;
3. The PCR has access to experienced and knowledgeable advisors who will conduct the Claim, and to independent advisors with whom Mr Le Patourel can consult;
4. The PCR is in advanced discussions over funding and insurance and will only proceed with its application for certification on the condition that, before the date of service, it has adequate arrangements in place to fund the proceedings and to pay adverse costs;
5. The PCR has no conflict of interest;
6. The PCR does not anticipate any carriage dispute; and
7. The PCR does not seek an interim injunction, meaning there is no need to consider any possible undertaking as to 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:

1. The PCR is not a member of the Proposed Class.
2. The PCR is an SPV.
3. The PCR’s plans for bringing the Claim and for notifying Proposed Class Members of its progress are set out in more detail in a Notice and Administration Plan. In short:
 - i. The PCR has instructed an experienced class action claims administration company, to act as the claims administrator and to communicate with Proposed Class Members. The PCR also plans to instruct a public relations firm, to assist with publicising the Claim and to better communicate with the Proposed Class Members.
 - ii. The PCR’s plan is divided into three broad sections: the pre-CPO stage, the CPO stage, and the recovery stage. Each of these requires different steps to be taken by way of notice and administration, and there are plans to cater for each of them.
 - iii. A website will (the “Claim Website”) serve various functions as appropriate at each stage, including: (i) allowing Proposed Class Members to register interest and to

¹ Any person that provided a Road Haulage Service (meaning the movement of goods by road by a person providing carriage for hire and reward) using Trucks (any truck of any make weighing between six tonnes and 16 tonnes (medium trucks) or any truck weighing over 16 tonnes (heavy trucks) first sold in the EEA) during the Relevant Period

² Mr Le Patourel is the sole director and member of the PCR.

receive additional information about the Claim; (ii) providing Proposed Class Members with information about the Claim generally as the matter progresses; (iii) displaying any notices required; and (iv) explaining the opt out process.

- iv. Search engine optimisation will be used to make the Claim Website easy to find.
- v. The Claim Website will also allow interested parties to submit questions that can then be answered directly and/or answered on a “frequently asked questions” page.
- vi. The claims administration company has considered the characteristics of the Proposed Class and has formulated general principles of communication, which it will use to promote engagement from the Proposed Class Members with a view to maximising the distribution to Proposed Class Members at the end of the Claim. Direct noticing, mailouts, press releases, digital advertisements, social media advertisements, and advertisements in trade-specific publications will be used to generate a high level of engagement.
- vii. The claims administration company has also considered the need for paper forms alongside digital communications.

The PCR’s plans for governance and consultation are set out in the Litigation Plan. In summary:

1. The main method of communication with Proposed Class Members will be based on the Claim Website as described in the Administration Plan.
2. The PCR has also established an advisory board with relevant experience and expertise, comprising one lawyer, an economist and a funding expert to act as a sounding board as the Claim progresses. Other members may be added in due course.
3. The PCR will investigate the scope for creation of some sort of consultative group consisting of selected Class Members if appropriate volunteers can be identified.

The PCR submits that the following issues are “common issues” in the Constituent Claims:

1. The existence and level of overcharge applicable to the Trucks, whether the same or varying between brands and types of Truck;
2. The “truck percentage”, i.e., the average proportion of Hauliers’ costs that relate to their Truck costs, and which are therefore subject to overcharge;
3. Upstream pass-on of that overcharge to the Proposed Class Members in the price of Road Haulage Services;
4. Downstream pass-on of the overcharge by the Proposed Class Members in the price of their own goods and services (if any and if pleaded by the Defendants), though it is accepted that this may vary between different groups of Proposed Class Members;
5. The quantum of damages to which the Proposed Class Members are entitled; and
6. The amount of interest to which the Proposed Class Members are entitled.

The PCR’s position is that the collective proceedings are likely to be the only economically-viable method for almost all of the Proposed Class Members to seek compensation for losses suffered as a result of the Infringement. Most of the Constituent Claims are likely to be small in value on an individual basis but the aggregate value of the Constituent Claims is very substantial. The Constituent Claims are likely to be

particularly small for small businesses, and even the claims of medium businesses would be insufficient to justify bringing a Constituent Claim on an individual basis.

Finally, the PCR submits that the benefits of having the Constituent Claims brought in collective proceedings outweigh any costs to the parties. The CPCF makes the following points:

1. The costs of bringing the Claim remain fair and proportionate in view of the aggregate value of the Constituent Claims (currently estimated to be in the region of £1 billion to £1.7 billion).
2. The costs are outweighed by the benefits to the Proposed Class Members from being able to pursue compensation for losses suffered due to the Infringement, which would otherwise not be economically viable.
3. The Claims offer the benefit to the Proposed Class Members of access to justice in a timely manner.
4. Proposed Class Members that are medium and larger-sized businesses and public bodies will be motivated to make claims in the event of any distribution and are likely to have some evidence to support their claims.
5. Whilst Proposed Class Members that are smaller businesses may have only modest claims, and less ability to produce supporting evidence, it should be possible to design a scheme of distribution that incentivises such claims and has already given some thought has already been given to it.
6. The PCR is committed, so far as possible, to ensuring that as much as reasonably possible of any settlement or damages awarded are distributed to Proposed Class Members or otherwise to the Access to Justice Foundation.

The Claim is said to be suitable for an aggregate award of damages because it is possible to model the estimated total harm, allowing for inclusion of all affected persons, who would not be able to bring individual claims otherwise.

The relief sought in the proposed collective proceedings is:

1. Damages on behalf of the Proposed Class, to be assessed on an aggregate basis pursuant to section 47(c)(2) of the Act.
2. Simple interest under section 35A of the Senior Courts Act 1981 and/or Rule 105 of the Rules on such sums, for such period, and at such a rate as the Tribunal thinks fit.
3. The PCR's costs.
4. Such further or other relief as the Tribunal may think fit.

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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