

# Factsheet Truck Cartel

Damages for truck purchases from 01/01/2003 to 31/12/2014 — calculated individually per vehicle and pursued as an individual action or in a small joinder of parties.

For companies that bought, leased or financed medium or heavy trucks (6 t and above) during this period: freight forwarders, logistics, construction, waste disposal, bus operators, trades with vehicle fleets and municipal undertakings.

|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>2003-2014</b><br>ACTIONABLE TODAY<br>Purchases that, according to the current assessment, are not yet time-barred — including the post-cartel years 2012 to 2014 | <b>5%*</b><br>CARTEL YEARS 2003-2011<br>Damages on the net purchase price, plus 5% interest per year; post-cartel years 2012-2014: 3%, 2%, 1% | <b>31/12/2026</b><br>NEXT CUT-OFF DATE<br>at the end of the year, the 2003 purchases are expected to become time-barred |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|

**Individual action from 100 trucks. Small joinder of parties below that.** Each company remains a party in its own right — no anonymous mass proceedings.

\* Results achieved by the partner law firm for its clients in previous truck cartel proceedings. Past performance is no indication of future results. No assurance as to the existence or amount of a claim.

## 01

STARTING POSITION

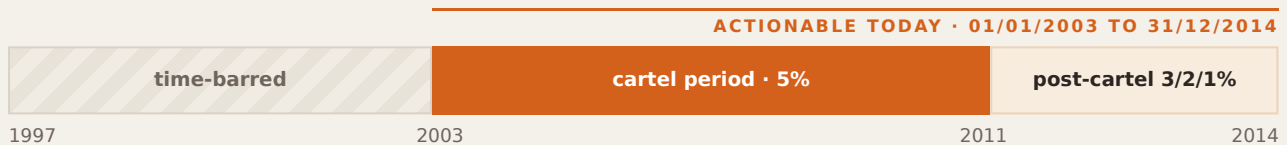
## What it is about

The major truck manufacturers coordinated prices over many years. The European Commission established the cartel in 2016 and 2017 and imposed fines totalling around €3.8 billion. Anyone who bought, leased or financed trucks during this time may have paid too much.

MANUFACTURERS INVOLVED

|              |                                    |               |
|--------------|------------------------------------|---------------|
| <b>MAN</b>   | <b>Mercedes-Benz<br/>(Daimler)</b> | <b>DAF</b>    |
| <b>Iveco</b> | <b>Volvo / Renault Trucks</b>      | <b>Scania</b> |

PERIOD — WHAT STILL COUNTS TODAY



Cartel period according to the European Commission: January 1997 to January 2011. The years 2012 to 2014 are regarded as post-cartel years: the price level continued to have an effect, and damages there are lower (3%, 2%, 1%).

**Context:** The cartel itself has been established by the authorities. Whether and to what extent your company has suffered a loss is reviewed by the mandated law firm on the basis of your documents.

**Important:** The claims are directed against the cartel participants — not against your dealer, your workshop or your lessor. Ongoing business relationships remain unaffected.

## 02

## LIMITATION PERIOD

## Time is running out

Because of the limitation period, according to the partner law firm's current assessment only purchases from **01/01/2003 to 31/12/2014** can still be litigated. With every year-end, a further year's purchases drop out — for good.

| Year of purchase | Position today                                     | Status                |
|------------------|----------------------------------------------------|-----------------------|
| <b>1997-2002</b> | time-barred                                        | no longer enforceable |
| <b>2003</b>      | oldest actionable year — expected until 31/12/2026 | <b>act now</b>        |
| <b>2004-2011</b> | cartel years, actionable                           | prepare now           |
| <b>2012-2014</b> | post-cartel years, actionable at a reduced rate    | prepare now           |

**At the end of the year:** A whole year of truck purchases becomes time-barred. So that the law firm can review your documents and act in time, please submit your vehicle data **without delay**.

The specific deadline depends on the individual case, such as the purchase date, type of contract and steps already taken, and is reviewed by the law firm.

## SECURE YOUR DOCUMENTS

### Destroy nothing before it has been reviewed

The statutory retention periods for records from 2003 to 2014 have expired. Many companies are currently clearing out these files. Without proof of purchase or lease, a claim can hardly be quantified.

The data is often still available in the statement of fixed assets, in the accounts, at the tax adviser or at the lessor.

03

TYPE OF PROCEEDINGS

Individual action or small joinder of parties

The size of your fleet decides the route. In both cases your claim is calculated individually — and your company remains a party in its own right.

FROM 100 TRUCKS

Individual action

Your company sues alone. Calculation, evidence and case management are based exclusively on your fleet.

UNDER 100 TRUCKS

Joinder of parties

We bring together similarly placed companies in a small group. Each company remains a party with its own, individually calculated claim.

| Criterion      | Individual action / joinder of parties                                | Collection-based collective action (assignment model)                              |
|----------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Who sues?      | Your company itself — alone or with a few similarly placed companies. | A legal services provider, based on claims assigned by many companies.             |
| Calculation    | Individually per vehicle, year of purchase and company.               | Often standardised across thousands of vehicles.                                   |
| Size           | Manageable and similarly placed.                                      | Thousands of companies, tens of thousands of trucks.                               |
| After BGH 2026 | Regarded as robust because individually prepared.                     | Courts may have the separation of proceedings prepared; new risks for some models. |

BGH, JUDGMENT OF 12/05/2026 (KZR 6/24)

The German Federal Court of Justice (BGH) has clarified the limits of collection-based collective actions in the truck cartel. The bundled assertion of claims was not rejected across the board. However, courts may require preparation for the separation of proceedings where the joint handling of very different claims impedes effective legal protection.

## 04

## DAMAGES POTENTIAL

## Rates per year of purchase

The basis is the **net purchase price** (list price) of the trucks concerned. The damages depend on the year of purchase: in the cartel years we calculate 5 percent, in the post-cartel years declining rates. On top of this comes interest of 5 percent per year — for purchases from 2003 to 2014 over many years.

| Year of purchase | Classification   | Damages on net purchase price | Interest    |
|------------------|------------------|-------------------------------|-------------|
| <b>2003-2011</b> | Cartel years     | 5%                            | 5% per year |
| <b>2012</b>      | Post-cartel year | 3%                            | 5% per year |
| <b>2013</b>      | Post-cartel year | 2%                            | 5% per year |
| <b>2014</b>      | Post-cartel year | 1%                            | 5% per year |

### 5%\*

LOWER END · HISTORICAL

Damages on the net purchase price in the cartel years, **plus interest** — achieved by the partner law firm in previous proceedings.

### ≈ 10%\*

AVERAGE · HISTORICAL

Total damages including interest on average, give or take — based on the net purchase price.

RULE OF THUMB PER TRUCK · PURCHASED 2004 · €80,000 NET

**€4,000 damages plus €4,400 interest = €8,400; after a 35% success fee around €5,460 per truck.**

€80,000 × 5% = €4,000 damages. Interest: €4,000 × 5% × 22 years (2004 to end of 2026) = €4,400. Total €8,400. After a 35% success fee (only in the event of success): €5,460, before tax.

#### WHAT THE EXAMPLES ASSUME

- **Net purchase price:** simplified to €80,000 per truck; the actual purchase prices are decisive.
- **Rates:** 5% for 2003-2011, 3% for 2012, 2% for 2013, 1% for 2014 — lower end of previous proceedings, no assurance.
- **Interest:** simplified to 5% per year, simple interest from the year of purchase to the end of 2026. Start and amount are reviewed by the law firm.
- **Success fee:** 35 percent, only if a refund is actually paid out — already deducted in the examples.
- **Not included:** taxes and proceedings extending beyond 2026.

\* Results achieved by the partner law firm in previous truck cartel proceedings. Past performance is no indication of future results. The actual amount depends on the vehicles, purchase dates, documents and the legal review.

## 05

## EXAMPLE CALCULATION 1

## Fleet of 50 trucks · joinder of parties

## EXAMPLE CALCULATION 1

Purchases 2003–2014, list price per truck €80,000 net,  
interest 5% per year to the end of 2026

**around €219,180**

NET AFTER 35% SUCCESS FEE

| Year                                           | Trucks    | Net volume        | Rate | Damages         | Interest years | Interest (5% p.a.) | Total             |
|------------------------------------------------|-----------|-------------------|------|-----------------|----------------|--------------------|-------------------|
| 2004                                           | 8         | €640,000          | 5%   | €32,000         | 22             | €35,200            | <b>€67,200</b>    |
| 2006                                           | 10        | €800,000          | 5%   | €40,000         | 20             | €40,000            | <b>€80,000</b>    |
| 2008                                           | 12        | €960,000          | 5%   | €48,000         | 18             | €43,200            | <b>€91,200</b>    |
| 2010                                           | 10        | €800,000          | 5%   | €40,000         | 16             | €32,000            | <b>€72,000</b>    |
| 2012                                           | 5         | €400,000          | 3%   | €12,000         | 14             | €8,400             | <b>€20,400</b>    |
| 2014                                           | 5         | €400,000          | 1%   | €4,000          | 12             | €2,400             | <b>€6,400</b>     |
| <b>Total</b>                                   | <b>50</b> | <b>€4,000,000</b> |      | <b>€176,000</b> |                | <b>€161,200</b>    | <b>€337,200</b>   |
| Success fee 35% (only in the event of success) |           |                   |      |                 |                |                    | <b>– €118,020</b> |
| <b>Arithmetically yours (before tax)</b>       |           |                   |      |                 |                |                    | <b>€219,180</b>   |

## HOW TO READ THE TABLE

Example year of purchase 2004: 8 trucks × €80,000 = €640,000 net volume. 5% of this = €32,000 damages. Interest: €32,000 × 5% × 22 years = €35,200. Together €67,200. In the post-cartel years the reduced rate applies (2012: 3%, 2014: 1%), and interest runs for a correspondingly shorter period. A 35% success fee is deducted from the total of all purchase years (€337,200); arithmetically €219,180 remain.

**Note:** Non-binding example calculation for guidance only, no assurance as to the existence or amount of a claim. The 35% success fee is charged only in the event of success and is deducted in the last two rows; amounts before tax. List price and interest period are simplified; the actual purchase prices, purchase dates and contract types are decisive. Past performance is no indication of future results.

## 06

## EXAMPLE CALCULATION 2

## Fleet of 150 trucks · individual action

## EXAMPLE CALCULATION 2

Purchases 2003–2014, list price per truck €80,000 net,  
interest 5% per year to the end of 2026

**around €656,500**

NET AFTER 35% SUCCESS FEE

| Year                                           | Trucks     | Net volume         | Rate | Damages         | Interest years | Interest (5% p.a.) | Total             |
|------------------------------------------------|------------|--------------------|------|-----------------|----------------|--------------------|-------------------|
| 2003                                           | 15         | €1,200,000         | 5%   | €60,000         | 23             | €69,000            | <b>€129,000</b>   |
| 2005                                           | 25         | €2,000,000         | 5%   | €100,000        | 21             | €105,000           | <b>€205,000</b>   |
| 2007                                           | 30         | €2,400,000         | 5%   | €120,000        | 19             | €114,000           | <b>€234,000</b>   |
| 2009                                           | 30         | €2,400,000         | 5%   | €120,000        | 17             | €102,000           | <b>€222,000</b>   |
| 2011                                           | 20         | €1,600,000         | 5%   | €80,000         | 15             | €60,000            | <b>€140,000</b>   |
| 2012                                           | 10         | €800,000           | 3%   | €24,000         | 14             | €16,800            | <b>€40,800</b>    |
| 2013                                           | 10         | €800,000           | 2%   | €16,000         | 13             | €10,400            | <b>€26,400</b>    |
| 2014                                           | 10         | €800,000           | 1%   | €8,000          | 12             | €4,800             | <b>€12,800</b>    |
| <b>Total</b>                                   | <b>150</b> | <b>€12,000,000</b> |      | <b>€528,000</b> |                | <b>€482,000</b>    | <b>€1,010,000</b> |
| Success fee 35% (only in the event of success) |            |                    |      |                 |                |                    | <b>– €353,500</b> |
| <b>Arithmetically yours (before tax)</b>       |            |                    |      |                 |                |                    | <b>€656,500</b>   |

## WHAT THE EXAMPLE SHOWS

The cartel years carry the claim: 120 trucks from 2003 to 2011 yield €480,000 in damages and €450,000 in interest. The 30 trucks from the post-cartel years 2012 to 2014 add €48,000 in damages and €32,000 in interest. The 2003 purchases alone account for €129,000 — and are expected to become time-barred on 31/12/2026. After a 35% success fee, arithmetically €656,500 remain.

**Note:** Non-binding example calculation for guidance only, no assurance as to the existence or amount of a claim. The 35% success fee is charged only in the event of success and is deducted in the last two rows; amounts before tax. List price and interest period are simplified; the actual purchase prices, purchase dates and contract types are decisive. Past performance is no indication of future results.

## 07

## SELF-ASSESSMENT

## Where do you stand today?

Three starting positions are typical. Tick what applies to your company.

☐ **Nothing done yet**
**OPPORTUNITY**

Claims from 2003–2014 can still be reviewed.

**RISK**

At the end of the year a further year becomes time-barred; documents get lost.

**NEXT STEP**

Compile a vehicle list 2003–2014 and secure the documents.

☐ **Already registered with a collective claimant**
**OPPORTUNITY**

The claim is registered and is being pursued.

**RISK**

Some collective models need to be reassessed after the BGH judgment of 2026.

**NEXT STEP**

Have the contract and status of proceedings reviewed again (see below).

☐ **Individual proceedings or small joinder of parties**
**OPPORTUNITY**

Individually prepared claims are regarded as readily reviewable.

**RISK**

Usually low — allow for the usual duration of proceedings.

**NEXT STEP**

No urgent need for action; document the status of proceedings.

## THE FIVE MOST IMPORTANT QUESTIONS

- 1 Did I buy, lease or finance trucks of 6 t and above between 2003 and 2014?
- 2 How many vehicles were there — more or fewer than 100?
- 3 Are invoices, contracts or a statement of fixed assets still available?
- 4 Have I already registered claims — and if so, with whom?
- 5 What is the current status of proceedings after the BGH judgment of 2026?

## ALREADY REGISTERED? HAVE YOUR SITUATION REVIEWED AGAIN

Many companies have registered their claims with a legal services provider whose model the BGH set new conditions for in 2026. We review your situation afresh — provided the documents are still available. **No hasty recommendation:** Whether a change is possible and sensible depends on the existing contract. The law firm clarifies this before you decide anything.

For the re-review: contract with the legal services provider including the assignment agreement, latest status of proceedings, list of the vehicles registered, purchase and lease documents, details of payments or settlement offers, termination or withdrawal rules.

## 08

ROLES, PROCESS AND CONTACT

## Who does what

## CALCULATION

**Individual**

Per vehicle according to year of purchase, price and type of contract — at the rate for the respective year plus interest.

## REMUNERATION

**35% only in the event of success**

35 percent success fee, only if a refund is actually paid out. You will receive all terms in writing before engagement.

## CLEAR ROLES

**01****Point Zero Legal**

Initial intake, vehicle list, preparation of the documents, interface to the law firm and the funder.

**02****Specialised law firm**

Legal review, calculation and enforcement — as an individual action or joinder of parties.

**03****Litigation funder**

Reviews whether to cover costs and litigation risk — on a case-by-case basis and in accordance with the contract.

| Question                                   | Answer                                                                                                     |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Against whom is the claim directed?</b> | Against the cartel participants — not against dealers, workshops or lessors.                               |
| <b>Do I still need to own the trucks?</b>  | No. What matters is the purchase during the period. Later sales are taken into account in the calculation. |
| <b>Do leased or financed trucks count?</b> | Yes, they may be covered. The law firm reviews the respective contractual arrangement.                     |

## FOR THE PRELIMINARY REVIEW WE NEED

Vehicle list 2003–2014 (manufacturer, type, chassis number, purchase or lease date, net price) · purchase contracts and invoices, alternatively lease or finance agreements · statement of fixed assets or accounting extract if individual records are missing · company details and contact person · information on whether and where claims have already been registered.

## YOUR NEXT STEP

**Request a preliminary review**

|                     |                                |
|---------------------|--------------------------------|
| <b>Contact</b>      | Alexander Peisch               |
| <b>Telephone</b>    | +41 78 326 75 52               |
| <b>Documents to</b> | compliance@point-zero-legal.de |
| <b>Web</b>          | point-zero-legal.de            |

**Sources / status:** European Commission, decision of 19/07/2016, case AT.39824 – Trucks; decision of 27/09/2017 (Scania); BGH, judgment of 12/05/2026, KZR 6/24. Status: October 2026.

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