



Press and Information

Court of Justice of the European Union

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Judgment in Case C-30/20
Volvo and Others

Cartel on the sale prices of trucks: the Court of Justice clarifies the courts with jurisdiction over actions for damages

In the absence, at the national level, of a specialised court for that type of action, an undertaking which made its purchases in several places may bring an action before the court within whose jurisdiction its registered office is situated

RH is an undertaking domiciled in Cordoba (Spain), where between 2004 and 2009 it purchased five trucks from a dealer from Volvo Group España (a company with its registered office in Madrid (Spain)). On 19 July 2016, the Commission adopted a decision by which it found that there was a cartel in which, from 17 January 1997 until 18 January 2011, 15 international truck manufacturers had participated — including Volvo (Sweden), Volvo Group Trucks Central Europe (Germany) and Volvo Lastvagnar (Sweden) — in respect of two product categories, namely trucks weighing between 6 and 16 tonnes and trucks weighing more than 16 tonnes, whether rigid trucks or tractor trucks.¹ The Commission found that the cartel covered the entire European Economic Area (EEA). It imposed fines on all participating entities, with the exception of an entity which benefited from total immunity.

RH brought an action before the Juzgado de lo Mercantil No 2 de Madrid (Commercial Court No 2, Madrid), seeking damages against the following Volvo group companies: Volvo, Volvo Group Trucks Central Europe, Volvo Lastvagnar and Volvo Group España. RH claims to have suffered loss as a result of purchasing the five vehicles referred to above by having paid an additional cost due to the collusive arrangements penalised by the Commission.

The Volvo group companies have not challenged the territorial jurisdiction of the Spanish court, but have contested its international jurisdiction, contending that the harmful event occurred, within the meaning of the regulation on jurisdiction,² not at the place where the applicant Spanish company has its registered office, but where the truck cartel was concluded, namely in other Member States.

The Spanish court is uncertain as to how Article 7(2) of that regulation should be interpreted. It considers it necessary to ascertain whether that provision constitutes a rule which strictly concerns international jurisdiction or whether it is a dual or combined rule which also operates as a rule on local territorial jurisdiction.

In today's judgment, the Court **holds that** Article 7(2) of the regulation on jurisdiction must be interpreted as meaning that, **within the market affected by collusive arrangements on the fixing and increase in the prices of goods, either the court within whose jurisdiction the undertaking claiming to be harmed purchased the goods affected by those arrangements or, in the case of purchases made by that undertaking in several places, the court within whose jurisdiction that undertaking's registered office is situated, has international and territorial jurisdiction**, in terms of the place where the damage occurred, **over an action for compensation** for the damage caused by those arrangements contrary to Article 101 TFEU.

¹ Decision C(2016) 4673 final relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.39824 – Trucks) (OJ 2017 C 108, p. 6).

² Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

The Court notes, first of all, that the concept of the ‘place where the harmful event occurred’, within the meaning Article 7(2) of the regulation on jurisdiction, is intended to cover both the place where the damage occurred and the place of the event giving rise to it, so that the defendant may be sued, at the option of the applicant, in the courts for either of those places. **The Court points out that the infringement giving rise to the alleged damage covered the entire EEA market, where it entailed a distortion of competition. The place where the damage occurred is, therefore, in that market, of which Spain forms part.**

Next, the Court highlights that **Article 7(2) of the regulation on jurisdiction confers directly and immediately both international and territorial jurisdiction on the courts for the place where the damage occurred.** The Court states, however, that the delimitation of the court’s jurisdiction within which the place where the damage occurred is situated is, as a rule, a matter for the organisational competence of the Member State to which that court belongs (which may, for example, centralise jurisdiction before a single specialised court in the interests of the sound administration of justice).

In the absence of such a specialised court, the identification of the place where the damage occurred in order to ascertain the court having jurisdiction within the Member States must be consistent with the objectives of proximity, predictability of the rules governing jurisdiction, and of the sound administration of justice. **The Court identifies two possibilities** in that respect.

First, where the purchaser that has been harmed purchased goods affected by the collusive arrangements in question exclusively within the jurisdiction of a single court, that court has jurisdiction.

Secondly, in the case of purchases made in several places, each undertaking that has been harmed may bring an action, in terms of the place where the damage occurred, before the court where it has its registered office. The Court finds that that conferral of jurisdiction is consistent with the requirement of predictability, since the defendants, members of the cartel, cannot be unaware of the fact that the purchasers of the goods in question are established within the market affected by the collusive practices. That conferral of jurisdiction is also consistent with the objective of proximity, and the place of the registered office of the undertaking harmed fully guarantees the efficacious conduct of potential proceedings.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court’s decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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