

News

BCLP WINS THE LAWYER AWARDS LITIGATION TEAM OF THE YEAR

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BCLP has been awarded Litigation Team of the Year at The Lawyer Awards 2023 for work on behalf of Royal Mail and BT in the landmark trucks cartel case—now the leading cartel damages judgment in the UK. The achievement in this competitive category recognizes the expertise of the BCLP Competition Litigation team— including **Edward Coulson, Ben Blacklock, Andrew Hockley, Andrew Leitch, Alexandra Hildyard, Graeme Thomas, Sam Brown, India Fahy, Tom Wright, Marieke Datema, Dan Swinburn, Jason Alvares, George Christodoulides** and **Natasha Warby** — in securing this long-fought win against truck manufacturer DAF.

The case came about when Royal Mail and BT filed claims against DAF in 2016 and 2017, respectively, following the European Commission’s July 2016 decision finding that DAF, MAN, Volvo/Renault, Daimler and Iveco participated in a cartel which involved colluding on prices and the passing on of costs associated with emissions technologies between 1997 and 2011. After years of litigation, including multiple CMCs and a successful preliminary issue judgment which was strongly upheld by the Court of Appeal, the claims were heard together in a 10-week trial before London’s Competition Appeal Tribunal (CAT) between April and June 2022. On Feb. 7, the CAT then handed down a judgment that was decisively in Royal Mail and BT’s favour. The CAT firmly ruled that the cartel caused loss and strongly rejected DAF’s argument it was “implausible” that its cartel conduct caused harm to Royal Mail and BT. The CAT also rejected all of DAF’s mitigation defences covering issues such as pass on and complementary products and awarded Royal Mail compound financing losses. The judgment covers a wide range of issues including expert independence, abuse of process, adverse inferences, pass on and mitigation, burden of proof, the broad axe approach to damages quantification, the interplay between econometrics and legal causation and compound financing losses. The judgment also picks up on the claimants’ criticisms throughout the trial of DAF’s litigation strategy of not providing evidence of what DAF actually did with the information they it received thanks to the cartel.

For two decades, The Lawyer Awards have celebrated legal mastery in the UK. Winners are selected by a panel of judges from the Bar, private practice, and in-house sectors, ensuring impartiality and extensive expertise. The judges thoroughly assess each entry, shortlisting exceptional nominees in each category before declaring an ultimate winner.

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- Litigation & Dispute Resolution

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