

Private Enforcement

Hungary: Hungarian court has asked the ECJ to give guidance on jurisdiction regarding truck cartel damages claims

- ▶ Following the EC Decision fining truck companies for illegal conduct (see [here](#)), damage claims have been raised in Hungary.
- ▶ A Hungarian court is asking the ECJ whether it has jurisdiction in case the illegal behavior took place outside Hungary. The case bears the reference [C-451/18](#).
- ▶ Furthermore, it is questionable whether indirect purchasers of trucks have a claim for damages against the manufacturers (in this case DAF).
- ▶ The claimant, Tibor-Trans Fuvarozó és Kereskedelmi Kft., argued that although trucks were purchased indirectly via leasing contracts from a distributor, the company suffered a loss through the higher prices charged by the distributors (meaning that they were passed on to the claimant).
- ▶ DAF denied these allegations arguing that the Hungarian court had no jurisdiction because the prohibited meetings took place in Germany meaning that a German court has jurisdiction. Moreover, DAF noted that the claimant is an indirect seller and therefore financial loss is only a consequence of an infringement in another country.