

# Newsletter

June 2017

## GREEN LIGHT FOR THE CLASS ACTION V. VOLKSWAGEN

The class action filed by *Altroconsumo* (major Italian consumer association) against Volkswagen has passed the **eligibility** scrutiny under Article 140-*bis*, paragraph 6 of the Consumer Code: on May 25, 2017 the Court of Venice has ruled so on the claim for the damages allegedly caused to the consumers by the automotive giant's alleged **deceptive** commercial practices (identified with the arrangement of advertising campaigns focused on the environmental sustainability of the brand), in the broader context of the events relating to the "*Dieselgate*".

With regard to the eligibility requirements under the current legislation, once stated that the Claimant's capability to adequately defend the class interest, the Court has also affirmed that the individual rights to be protected in the proceeding stand as homogenous, since originated by a **single damaging event**, identified with Volkswagen's illegal multi-offensive conduct; for eligibility purposes, homogeneity shall not mean perfect coincidence of adherents' positions, contrarily to what the Respondent's had argued.

Finally, the Court has upheld the claim as **not** manifestly **ungrounded**, on the basis of the documentation provided by *Altroconsumo* and the outcome of the provision by which the AGCM (the Italian antitrust authority) sanctioned the very same commercial practices as unfair, in April 2016.

Consumers who have purchased a car branded Volkswagen, Audi, Seat or Skoda between August 15, 2009 and September 26, 2015 are entitled to adhere to the class action by October 1, 2017.

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The Dispute Resolution department of Legance is available to provide any clarifications, also in respect of any specific situation which may be of interest for you.

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