



Press Summary

Pan-NOx Diesel Emissions Group Litigation – Liability Preliminary Issues Judgment

Various claimants

v

Mercedes-Benz Group AG and others

Volkswagen AG and others

Dr Ing Porsche AG and others
and others

(Case No. QB-2022-002405 and others)

King’s Bench Division

Friday 10 July 2026

Note: This summary is provided to assist in understanding the decision of the Court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the Court, which will be published on the National Archives (<https://caselaw.nationalarchives.gov.uk/>) and the judiciary website (<https://www.judiciary.uk/judgments/>).

References in square brackets are to paragraphs in the judgment.

Background

1. The High Court has today handed down judgment following the trial of legal issues in claims brought by around 1.6 million Claimants against a variety of diesel motor vehicle manufacturers including Mercedes-Benz, Ford, Peugeot-Citroën and Renault-Nissan.
2. The trial of the action took place between 6 October and 18 December 2025 with closing submissions between 2 and 20 March 2026.
3. The Claimants allege that certain diesel vehicles were equipped with “prohibited defeat devices” which reduced the effectiveness of the vehicles’ emissions-control systems outside regulatory testing conditions, resulting in higher emissions of nitrogen oxides (NOx) during normal vehicle use.
4. The manufacturers deny liability and contend that the emissions-control strategies used in their vehicles complied with the applicable regulatory framework.

The Trial

5. This was the first substantive liability trial in the Pan-NOx Group Litigation which covers litigation against a wide variety of vehicle manufacturers in relation to NOx emissions.
6. The trial was concerned with legal issues, which were examined by reference to a number of sample vehicles manufactured between 2012 and 2017 (Euro 5 and Euro 6).
7. The Court was required to determine **[313]**:
 - A number of questions about the meaning and application of the relevant emissions legislation.
 - Questions about whether breaches of those provisions would be capable of giving rise to a claim by an individual Claimant.
 - Whether post Brexit decisions of the Court of Justice of the European Union in relation to the Emissions Regulation should be followed by courts in this country **[261-2]**.
 - Whether a number of identified emissions-control strategies constituted prohibited defeat devices.
8. The trial did not address individual claims or compensation.

Main Conclusions

9. The Court examined the statutory definition of a defeat device **[2]** and the circumstances in which differences between laboratory test performance when the vehicle was “type approved” and real-world operation may give rise to liability.
10. It was agreed between the parties that these vehicles were not required to meet the emissions limits set for the type approval test outside that test **[189-90]**.
11. The judgment concludes **[865]** that:
 - Not every calibration or emissions-control strategy amounts to a defeat device.
 - A defeat device is a device which senses one or more parameters of the test (including its boundary) and objectively operates with the purpose of causing the emissions control system to work more effectively when it senses that it is being subjected to a test cycle compared to how it works in out of test driving.
 - For a defeat device to be found, there needs to be an intention to cause the emissions control system to operate differently when it senses it is being tested.
 - It was not enough for the Claimants simply to establish that the challenged strategies reduced the effectiveness of emissions-control systems outside the relevant testing conditions.

- The statutory scheme did create a private law right of action by the Claimants **[875]**.
 - Arguments relating to breach of contract would require fuller evidence before a conclusion could be reached **[876]**.
12. The Court went on to consider questions which would arise if a different approach to this central question were taken, including concluding that **[865]**:
- Normal Driving Conditions (“NDC”) do not encompass virtually all conditions that could reasonably be encountered anywhere in the European Union. Instead, NDC refers to conditions that are commonly and regularly encountered in ordinary vehicle use, not everything short of the manifestly abnormal.
 - Reduction in effectiveness has to be proved by the Claimants, and desktop analysis will usually be insufficient to prove it, without added testing data. Testing however is difficult to interpret and none of the approaches to isolating the effect of a particular calibration on NOX was entirely satisfactory.
 - The burden of proving any exception to the provision banning the use of defeat devices which were proved would lie on the Defendants **[866]**.
 - The provision excepting engine damage and safe operation of the vehicle allowed exceptions relating to safety (e.g. to other road users) as well as damage to the engine. Any risk of damage to the engine had to be an immediate risk of damage which creates a specific hazard when the vehicle is driven **[870-1]**.
13. The evidence on the question of whether a defeat device existed in any given sample vehicle raised complex questions of engineering, calibration, and vehicle design.

Findings in Relation to the Defendants

14. The Court rejected most of the principal allegations advanced against the manufacturers whose vehicles were examined at trial.
15. In the majority of instances, the Court found that the relevant strategy did not constitute a prohibited defeat device. The Court did, however, make adverse findings in relation to certain specific strategies, including a Coolant Temperature Setpoint device in Mercedes cars which was removed from vehicles by a December 2015 update **[879(i)]** and a “split-injection” strategy used in some Peugeot-Citroën Euro 5 vehicles **[881(i)]**.
16. The Court also found that if an alternative approach were taken to the meaning of “defeat device” most of the allegations would still fail, either because the devices only operated outside “normal driving conditions”, because any necessary reduction in emissions-control effectiveness had not been established, or for other legal reasons.
17. However, if an alternative approach to the meaning of “defeat device” were taken a larger number of defeat devices would be established, including devices in each of the lead manufacturers cars **[879-883]**.

Next Steps

18. The judgment concerns liability issues only. It has been handed down “subject to editorial corrections” a final version will be available at a later date.
19. A further trial is scheduled for October 2026 to determine the consequences of any actionable breaches and any issues relating to damages or other remedies.