



Case No: 1435/5/7/22 (T)

IN THE COMPETITION APPEAL TRIBUNAL

BETWEEN:

- (1) STELLANTIS AUTO SAS**
- (2) GIE PSA TRESORERIE**
- (3) STELLANTIS NV**
- (4) OPEL AUTOMOBILE GMBH**
- (5) STELLANTIS EUROPE SPA**
- (6) FCA SRBIJA D.O.O. KRAGUJEVAC**
- (7) FCA POLAND SP.ZO.O**
- (8) MASERATI SPA**
- (10) VAUXHALL MOTORS LTD**
- (11) STELLANTIS ESPAÑA SLU**

Claimants

- and -

- (1) AUTOLIV AB**
- (2) AUTOLIV, INC**
- (3) AUTOLIV JAPAN LTD**
- (4) AUTOLIV B.V. & CO. KG**
- (5) AIRBAGS INTERNATIONAL LTD**
- (6) ZF TRW AUTOMOTIVE HOLDINGS CORP.**
- (7) ZF AUTOMOTIVE SAFETY GERMANY GMBH**
- (8) ZF AUTOMOTIVE GERMANY GMBH**
- (9) TRW SYSTEMS LTD**
- (10) ZF AUTOMOTIVE UK LTD**

Defendants

ORDER

UPON the Tribunal having, at the Fourth CMC held on 1 July 2024 (“**CMC 4**”), directed the parties to (i) file an updated List of Issues; and (ii) address it at the Pre-Trial Review (the “**PTR**”) as to the relevance of the OSS Decisions, and the legal framework for that reliance;

AND UPON the parties having duly filed an agreed updated List of Issues on 17 September 2024, and addressed the relevance of the OSS decisions in their skeleton arguments for the PTR;

AND UPON the Tribunal, by way of letter on 16 September 2024, having informed the parties that it is unable to sit on 3 October 2024 and 24 October 2024;

AND UPON hearing counsel for the parties at the PTR in these proceedings on 17 September 2024;

AND UPON the parties indicating that they shall seek to agree a revised timetable for the cross-examination of their respective witnesses of fact to accommodate the 3 October 2024 as a non-sitting day;

AND UPON the Tribunal indicating that, to the extent that there is any dispute concerning the same, it wishes to be addressed at trial on the extent to which, as a matter of law, it is permitted to draw inferences from those parts of the OSS Decisions that are binding in these proceedings;

AND UPON the Tribunal provisionally directing that cross-examination of the Claimants’ factual witnesses in relation to financing losses shall be limited to half a day, with argument as to the proper quantum of such losses being deferred to a consequential hearing following judgment on liability and quantum (if applicable);

AND UPON the Tribunal provisionally directing that the parties’ economic experts shall give their evidence concurrently for two to three days in the week beginning 14 October 2024, with a total of one day of cross-examination by the parties thereafter;

AND UPON the Tribunal provisionally directing that the German law experts shall give their evidence concurrently over a period limited to one hour on 21 October 2024, with the question whether it is necessary to hear any live evidence from the German law experts to be reconsidered on the first day of trial;

AND UPON the parties indicating that, whilst their respective witnesses are able to and intend to give their evidence in English, they may nonetheless be assisted by the presence of an interpreter

IT IS ORDERED THAT:

1. By 4pm on 20 September 2024 each of the parties shall use their best endeavours to provide a list of the documents disclosed in these proceedings (or further such documents, as the case may be) that they wish to include within the trial bundles and rely upon at trial. The Claimants shall add all of the documents so listed to the electronic trial bundles.
2. There shall be no need to provide a hard copy of the complete disclosure documents trial bundle to the Tribunal; the Claimants shall instead provide by way of hard copy a core bundle of disclosure documents consisting of documents referred to in pleadings, in the reports of the parties' respective experts and (once filed) skeleton arguments; the core disclosure documents bundle shall be updated from time to time as the trial progresses.
3. The parties shall provide to the Tribunal an agreed list of abbreviations by no later than 4pm on 24 September 2024.
4. The parties shall not be permitted to put any document to any witness in cross-examination if that document has not been either (i) mentioned by the witness in his or her evidence; (ii) specifically pleaded; or (iii) specifically referred to in the reports of the parties' respective experts, unless:
 - (a) The party that intends to put the document to the witness has provided notice to the party calling the witness of its intention to do so. Such notice shall be provided at least three clear business days prior to the relevant witness being called and shall identify the document(s) that the notifying party intends to put to that witness; or
 - (b) The Tribunal otherwise gives permission for the relevant document(s) to be put to the witness.
5. The parties have permission to arrange for the presence of an interpreter at trial in the event that it is of assistance to any witness.

6. The costs of the PTR shall be costs in the case.

Justin Turner KC

Chair of the Competition Appeal Tribunal

Made: 23 September 2024

Drawn: 23 September 2024