



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1296/5/7/18 etc.

IN THE MATTER OF:

THE SECOND WAVE TRUCKS PROCEEDINGS

PARTIES TO THIS ORDER:

- (1) **THE ARLA CLAIMANTS** (as set out in Annex 2 to this Order).
- (2) **THE EDWIN COE CLAIMANTS** (as set out in Annex 2 to this Order).
- (3) **THE ASDA CLAIMANTS** (as set out in Annex 2 to this Order).
- (4) **THE DS SMITH CLAIMANTS** (as set out in Annex 2 to this Order).
- (5) **THE ADUR CLAIMANTS** (as set out in Annex 2 to this Order).
- (6) **THE BOOTS CLAIMANTS** (as set out in Annex 2 to this Order).
- (7) **THE HAUSFELD CLAIMANTS** (as set out in Annex 2 to this Order).
- (8) **THE LAFARGEHOLCIM CLAIMANTS** (as set out in Annex 2 to this Order).
- (9) **THE BCLP CLAIMANTS** (as set out in Annex 2 to this Order).
- (10) **THE MORRISONS CLAIMANTS** (as set out in Annex 2 to this Order).
- (11) **THE NORTHERN IRISH PLAINTIFFS** (as set out in Annex 2 to this Order).
- (12) **THE SCOTTISH PURSUERS** (as set out in Annex 2 to this Order).
- (13) **THE DEFENDANTS** (as set out in Annex 2 to this Order).

ORDER

UPON the Defendants' applications dated 16 May 2024 and 8 July 2024 (as amended on 19 July 2024 and 31 July 2024) requesting responses to the Defendants' joint experts' information requests in relation to supply pass-on ("**SPO**") and truck-related services value of commerce ("**TRS VoC**") made of certain Claimants,

AND UPON hearing Counsel for the parties at a hearing on 9 August 2024,

AND UPON the SPO documents for each of the Targeted Claimants setting out the Defendants' joint experts' SPO requests, as amended from time to time (the "**SPO Documents**"),

AND UPON the SPO documents for each of the Public Authority Targeted Claimants setting out the Defendants' joint experts' SPO requests, as amended from time to time (the "**Public Authority SPO Documents**"),

AND UPON the TRS VoC documents for each of the Arla, Boots and DS Smith TRS Claimants setting out the Defendants' joint experts' TRS VoC requests, as amended from time to time (the "**TRS VoC Documents**"),

AND UPON the Defendants' applications dated 4 October 2024 in relation to SPO and TRS VoC respectively,

AND UPON hearing Counsel for the parties at a hearing on 21 and 22 October 2024,

AND UPON: (a) the Rockwool TRS Claimants having agreed to provide responses to the requests set out in the TRS VoC Document dated 15 November 2024; and (a) the Boots TRS Claimants (save for the Rockwool TRS Claimants) having agreed to provide responses to the requests set out in the TRS VoC Document dated 27 September 2024,

AND UPON the requests for information in the form of provision of copies of materials in the European Commission File in *Case AT.39824 – Trucks* made on behalf of the Claimants' joint expert on UK Overcharge to the Scania Defendants by letters dated 1 November 2024 and 29 November 2024,

AND UPON the Edwin Coe Claimants and Daimler agreeing confidential terms to resolve the Edwin Coe Proceedings (being the claims set out in the second row of the table in Annex 2 to this Order), as notified to the Tribunal on 4 October 2024,

AND UPON Daimler opposing the application of the Edwin Coe Claimants dated 4 October 2024 (the "**Thompson Application**") requesting responses to the SPO information requests made by Mr Ian Thompson of Economic Insight Limited (as subsequently filed by the Edwin Coe Claimants with the Tribunal in amended form on 18 November 2024),

AND UPON hearing Counsel for the parties at a Case Management Conference on 9 December 2024,

AND UPON the filing of the summary table of SPO requests dated 5 December 2024 (the “SPO Summary Table”),

AND UPON the following definitions applying for the purposes of this Order:

- **“Truck Rental Targeted Claimants”** means:
 - **“Salford Van Hire”** means C18 and C19 in Case 1417/5/7/21 (T);
 - **“MC Rental”** means C13 in Case 1417/5/7/21 (T);
 - **“Alltruck Group”** means C11 in Case 1417/5/7/21 (T); and
 - **“Rowleys”** means C1 in Case 1610/5/7/23 (T).

- **“Haulier Targeted Claimants”** means:
 - **“Wincanton”** means the Claimants in Case 1607/5/7/23 (T);
 - **“Edwards Transport”** means C11 in Case 1420/5/7/21 (T); and
 - **“Harlex Haulage”** means C3 in Case 1420/5/7/21 (T).

- **“Manufacturer Targeted Claimants”** means:
 - **“Arla”** means the Claimants in Case 1296/5/7/18;
 - **“CEMEX”** means C74 – C78 and C80 – C82 in Case 1420/5/7/21 (T);
 - **“The Rugby Group”** means C79 in Case 1420/5/7/21 (T);
 - **“DS Smith”** means C1, and C3 – C5 in Case 1343/5/7/20 (T);

- “**Blakemore**” means C143 in Case 1616/5/7/23 (T); and
- “**Moy Park**” means C48 – C53 in Case 1616/5/7/23 (T).
- “**Retailer Targeted Claimants**” means:
 - “**Sainsbury’s**” means C10 – C14 in Case 1578/5/7/23 (T);
 - “**Asda**” means C1 in Case 1578/5/7/23 (T);
 - “**Morrisons**” means the Claimants in Case 1521/5/7/22 (T);
 - “**Currys**” means C2 – C5 in Case 1578/5/7/23 (T); and
 - “**Boots**” means C1 – C2 in Case 1616/5/7/23 (T).
- “**Other Targeted Claimants**” means:
 - “**GAP**” means C1 in Case 1594/5/7/23 (T);
 - “**Bywaters**” means C59 in Case 1420/5/7/21 (T);
 - “**GBN**” means C8 in Case 1338/5/7/20 (T);
 - “**DS Smith Logistics**” means C2 in Case 1343/5/7/20 (T); and
 - “**DS Smith Recycling**” means C6 in Case 1343/5/7/20 (T).

(together, the “**Targeted Claimants**”).

- “**Adur Public Authority Targeted Claimants**” means:
 - “**Durham**” means C35 in Case 1431/5/7/22 (T);
 - “**Lewisham**” means C70 in Case 1431/5/7/22 (T);

- “**East Sussex FA**” means C39 in Case 1431/5/7/22 (T);
- “**North Wales FRA**” means C85 in Case 1431/5/7/22 (T); and
- “**Scottish FRS**” means C107 in Case 1431/5/7/22 (T).
- “**Scottish Public Authority Targeted Claimants**” means:
 - “**Glasgow**” means the Claimant in Case 1546/5/7/22 (T); and
 - “**Renfrewshire**” means the Claimant in Case 1552/5/7/22 (T);

(together, the “**Public Authority Targeted Claimants**”).

- “**Adur TRS Claimants**” means the Claimants in Case 1431/5/7/22 (T).
- “**Arla TRS Claimants**” means the Claimants in Case 1296/5/7/18.
- “**Boots TRS Claimants**” means the Claimants in Case 1616/5/7/23 bringing claims in respect of TRS VoC, save for the Rockwool TRS Claimants,
- “**Rockwool TRS Claimants**” means the Claimants in case 1616/5/7/23 which are part of the Rockwool corporate group.
- “**DS Smith TRS Claimants**” means the Claimants in Case 1343/5/7/20 (T).

IT IS ORDERED THAT:

DEFENDANTS’ SPO INFORMATION REQUESTS

1. As soon as reasonably practicable and in any event by no later than **4pm on 17 January 2025**, MC Rental, Alltruck PLC and Salford Van Hire are to provide responses to the Section 8 Requests as set out in their respective SPO Documents.

2. If Salford Van Hire cannot provide the data or information ordered at paragraph 1, Salford Van Hire shall provide a detailed affidavit explaining why it is not possible to produce such data or information.
3. As soon as reasonably practicable and in any event by no later than **4pm on 17 January 2025**:
 - (a) the Targeted Claimants listed in Appendix A shall provide responses to the requests identified in Appendix A to this Order save that Currys shall provide responsive documents in respect of only two representative financial years/budget cycles. In the event that upon receipt the Defendants' Joint Experts subsequently consider that a third representative financial year/budget cycle is required, they must request the same by no later than **4pm on 22 January 2025** and Currys shall provide these responses as soon as reasonably practicable and in any event by no later than 15 working days after receipt of the request; and
 - (b) the Scottish Public Authority Targeted Claimants shall provide responses to the requests identified in Appendix B to this Order.

CLAIMANTS' INFORMATION REQUESTS

4. The Asda Claimants' application for the disclosure of documents by the Scania Defendants is dismissed.

THE THOMPSON APPLICATION

5. By **4pm on 16 December 2024**, the Edwin Coe Claimants and Daimler shall file and exchange submissions on the Daimler objections to the Thompson Application of no longer than six pages each, together with a bundle of relevant documents, for determination by a Chair who was not a member of the panel who heard the Case Management Conference on 9 December 2024.

COSTS

6. Costs reserved.

OTHER

7. Liberty to apply.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 30 December 2024
Drawn: 30 December 2024

ANNEX 1: CASES INCLUDED IN THE SECOND WAVE TRUCKS PROCEEDINGS

Case Number	Case Name
Cases in England	
1296/5/7/18	Arla Foods AMBA & Others v Stellantis N.V. & Another
1338/5/7/20 (T)	Adnams PLC & Others v DAF Trucks Limited & Others
1343/5/7/20 (T)	DS Smith Paper Limited & Others v MAN SE & Others
1355/5/7/20 (T)	Hertz Autovermietung GmbH & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1356/5/7/20 (T)	Balfour Beatty Group Limited & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1358/5/7/20 (T)	Zamenhof Exploitation & Others v Fiat Chrysler Automobiles N.V. & Others
1360/5/7/20 (T)	BFS Group Limited & Another v DAF Trucks Limited & Others
1361/5/7/20 (T)	Enterprise Rent-a-Car UK Limited v DAF Trucks Limited & Others
1362/5/7/20 (T)	ABF Grain Products Limited & Others v DAF Trucks Limited & Others
1368/5/7/20 (T)	LafargeHolcim Limited & Others v Aktiebolaget Volvo (Publ) & Others
1371/5/7/20 (T)	The BOC Group Limited & Others v Stellantis N.V. & Others
1372/5/7/20 (T)	GIST Limited & Others v Stellantis N.V. & Others
1417/5/7/21 (T)	Dan Ryan Truck Rental Limited & Others v DAF Trucks Limited & Others
1420/5/7/21 (T)	A to Z Catering Supplies Limited & Others v DAF Trucks Limited & Others
1431/5/7/22 (T)	Adur District Council & Others v TRATON SE & Others
1521/5/7/22 (T)	Wm Morrison Supermarkets PLC & Others v Volvo Group UK Limited & Others
1578/5/7/23 (T)	Asda & Others v AB Volvo & Others
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others
1610/5/7/23 (T)	Rowleys of Northwich Limited and others v DAF Trucks Limited and others
1607/5/7/23 (T)	Wincanton Holdings Limited and another v DAF Trucks Limited and others
1608/5/7/23 (T)	Adnams PLC and others v DAF Trucks Limited and others
1609/5/7/23 (T)	SP0117 Limited (as Assignee) and another v DAF Trucks Limited and others
1616/5/7/23 (T)	Boots & Others v. Traton & Others

1633/5/7/24	Tesco Stores Limited & anor v Scania (Great Britain) limited & others
Cases in Northern Ireland	
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo
20/22730	McHugh's Oil Limited -v- AB Volvo
18/33243	Niall McCann trading as NMC Haulage -v- AB Volvo
20/41004	Cynthia Beattie t/a Beattie Transport -v- AB Volvo
1674/5/7/24 (T)	J.C. Campbell (N.I.) Limited -v- DAF Trucks N.V.
1675/5/7/24 (T)	Gibson Bros Limited -v- DAF Trucks N.V.
1676/5/7/24 (T)	Joseph Walls Ltd -v- DAF Trucks NV
1677/5/7/24 (T)	M.G. Oils Limited -v- DAF Trucks NV
1678/5/7/24 (T)	J.K.C. Specialist Cars Limited -v- DAF Trucks NV
1679/5/7/24 (T)	G.P. Marketing Limited trading as Patterson Oil -v- DAF Trucks NV
1680/5/7/24 (T)	J.H. Irwin & Son (Fuels) Limited -v- DAF Trucks NV
1681/5/7/24 (T)	Trevor Leckey t/a Stoneyford Concrete -v- DAF Trucks NV
20/58982	Derek O'Reilly t/a O'Reilly's The Sweet People -v- Daimler AG
20/58998	Patrick Megoran -v- Daimler AG
20/58974	Stephen Pollard -v- Daimler AG
1682/5/7/24 (T)	John Rodgers Limited -v- Daimler AG
20/58984	Andrew Ingredients Ltd -v- Daimler AG
18/78073	Kieran Quinn t/a Pomeroy Haulage -v- Daimler AG
20/58977	J.C. Campbell (N.I.) Limited -v- Daimler AG
1683/5/7/24 (T)	R Magowan & Son Limited -v- Iveco S.P.A
1684/5/7/24 (T)	C. Russell Auto Sales Ltd -v- Iveco S.P.A
1685/5/7/24 (T)	Kennedy & Morrison Limited -v- Iveco S.P.A
1686/5/7/24 (T)	Niall McCann t/a NMC Haulage -v- Iveco S.P.A
1687/5/7/24 (T)	John Rodgers Limited -v- Iveco S.P.A
Cases in Scotland	
1538/5/7/22 (T)	Clackmannanshire Council v VFS Financial Services Ltd &
1539/5/7/22 (T)	Angus Council v VFS Financial Services Limited & Others
1540/5/7/22 (T)	East Ayrshire Council v VFS Financial Services Ltd & Others
1541/5/7/22 (T)	The City of Edinburgh Council v VFS Financial Services Ltd
1542/5/7/22 (T)	East Lothian Council v VFS Financial Services Ltd & Others
1543/5/7/22 (T)	East Dunbartonshire Council v VFS Financial Services Limited
1544/5/7/22 (T)	Fife Council v VFS Financial Services Ltd & Others
1545/5/7/22 (T)	Midlothian Council v VFS Financial Services Ltd & Others
1546/5/7/22 (T)	Glasgow City Council v VFS Financial Services Ltd & Others

1547/5/7/22 (T)	Dundee City Council v VFS Financial Services Ltd & Others
1548/5/7/22 (T)	Scottish Water v VFS Financial Services Limited & Others
1549/5/7/22 (T)	West Lothian Council v VFS Financial Services Ltd & Others
1550/5/7/22 (T)	Perth & Kinross Council v VFS Financial Services Limited
1551/5/7/22 (T)	Stirling Council v VFS Financial Services Limited & Others
1552/5/7/22 (T)	Renfrewshire Council v VFS Financial Services Ltd & Others
1553/5/7/22 (T)	South Ayrshire Council V VFS & Others
1554/5/7/22 (T)	The North Ayrshire Council v VFS Financial Services Limited
1555/5/7/22 (T)	Western Isles Council v VFS Financial Services & Others
1556/5/7/22 (T)	West Dunbartonshire Council v VFS Financial Services
1557/5/7/22 (T)	North Lanarkshire Council v VFS Financial Services Ltd
1558/5/7/22 (T)	Scottish Borders Council v VFS Financial Services Limited
1559/5/7/22 (T)	Dundee CC & Others t/a Tayside Contracts v VFS FS Ltd & Others
1560/5/7/22 (T)	Aberdeenshire Council v VFS Financial Services Ltd & Others
1561/5/7/22 (T)	Argyll and Bute Council v VFS Financial Services Limited
1562/5/7/22 (T)	East Renfrewshire Council v VFS Financial Services Limited
1563/5/7/22 (T)	South Lanarkshire Council v VFS Financial Services Limited
1564/5/7/22 (T)	Grahams The Family Dairy (Processing Ltd) v CNH Industrial
1565/5/7/22 (T)	Grahams The Family Dairy Ltd v CNH Industrial N.V.
1566/5/7/22 (T)	Graham's Dairies Limited v CNH Industrial N.V

ANNEX 2: OVERVIEW OF THE PARTIES

Definition	Description
The Arla Claimants	The Claimants in Case No: 1296/5/7/18
The Edwin Coe Claimants	The Claimants in Case Nos: 1338/5/7/20 (T), 1417/5/7/21 (T), 1420/5/7/21 (T), 1594/5/7/23 (T), 1607/5/7/23 (T), 1608/5/7/23 (T), 1609/5/7/23 (T) and 1610/5/7/23 (T).
The Asda Claimants	The Claimants in Case No: 1578/5/7/23 (T).
The DS Smith Claimants	The Claimants in Case No: 1343/5/7/20 (T).
The Adur Claimants	The Claimants in Case No: 1431/5/7/22 (T).
The Boots Claimants	The Claimants in Case No: 1616/5/7/23 (T).
The Hausfeld Claimants	The Claimants in Case Nos: 1355/5/7/20 (T), 1356/5/7/20 (T), 1358/5/7/20 (T), 1371/5/7/20 (T) and 1372/5/7/20 (T).
The BCLP Claimants	The Claimants in Case Nos: 1360/5/7/20 (T), 1361/5/7/20 (T) and 1362/5/7/20 (T)
The LafargeHolcim Claimants	The Claimants in Case No: 1368/5/7/20 (T).
The Morrisons Claimants	The Claimants in Case No: 1521/5/7/22 (T)
The Northern Irish Plaintiffs	The Plaintiffs in cases filed in Northern Ireland as set out in Annex 1.
The Scottish Pursuers	The Pursuers in cases filed in Scotland as set out in Annex 1.
The Defendants	The Defendant Manufacturing Groups of DAF, MAN, Iveco, Volvo/Renault, Daimler and Scania in relation to the cases filed in England and Wales.

Appendix A: Future Conduct Order, Appendix A – Disagreed Requests

Retailer Targeted Claimants

6.2 (as amended in column 1 of the SPO Summary Table dated 5 December 2024) –
Morrisons

6.3 (as amended in column 6 of the SPO Summary Table dated 5 December 2024) – Currys

Appendix B: Scottish Public Authority Targeted Claimants – Disagreed Requests

4.3 – Glasgow, Renfrewshire

5.4 (as amended in column 1 of the SPO Summary Table dated 5 December 2024) – Glasgow, Renfrewshire

7.5 – Glasgow, Renfrewshire