



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**  
**(2) HILL HIRE LIMITED**

Claimants

- and -

- (1) MAN SE**  
**(2) MAN TRUCK & BUS AG**  
**(3) MAN TRUCK & BUS DEUTSCHLAND GMBH**  
**(4) MAN TRUCK AND BUS UK LIMITED**  
**(5) AB VOLVO (PUBL)**  
**(6) VOLVO LASTVAGNAR AB**  
**(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**  
**(8) VOLVO GROUP UK LIMITED**  
**(9) RENAULT TRUCKS SAS**  
**(10) DAIMLER AG**  
**(11) MERCEDES BENZ CARS UK LIMITED**  
**(12) FIAT CHRYSLER AUTOMOBILES N.V.**  
**(13) CNH INDUSTRIAL N.V.**  
**(14) IVECO S.P.A.**  
**(15) IVECO MAGIRUS AG**  
**(16) IVECO LIMITED**  
**(17) PACCAR INC.**  
**(18) DAF TRUCKS N.V.**  
**(19) DAF TRUCKS DEUTSCHLAND GMBH**  
**(20) DAF TRUCKS LIMITED**

Defendants

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**CONSENT ORDER**

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UPON the Claimants and the Seventeenth to Twentieth Defendants having agreed the terms of the Order as set out below

AND HAVING REGARD TO the Order of Hodge Malek QC dated 26 November 2019

**AND UPON** the following further definitions applying for the purposes of this Order

**“Confidentiality Ring”** means the confidentiality ring established by the Order of Mr Justice Roth made on 30 March 2020 (the **“Confidentiality Ring Order”**);

**“DAF”** means the Seventeenth to Twentieth Defendant;

**“DAF Disclosure Categories”** means the categories of disclosure to be given by DAF set out in the Annex to this Order;

**“Truck”** means as defined at paragraph 5 of the Decision of the European Commission in Case AT.39824 – Trucks dated 19 July 2016; and

**“Unknown Emission Standard Trucks”** means the 27,516 Trucks for which no, or no viable, emission standard data is available in the Truck-level data disclosed pursuant to Category O1 in the Dawsongroup Proceedings, which was disclosed to the Claimants on 4 October 2019.

**BY CONSENT IT IS ORDERED THAT:**

1. DAF shall disclose by list documents/data responsive to the DAF Disclosure Categories by the deadlines set out in the Annex to this Order.
2. DAF shall disclose by list any Truck-level emission standard information for any of the Unknown Emission Standard Trucks which is located as a result of DAF's enquiries with Leyland Trucks Limited in respect of whether Leyland Trucks Limited has a central data source or data repository for Truck-level emission standard information in respect of the Unknown Emission Standard Trucks, or from which such information can be derived, by 25 September 2020.
3. DAF shall by 25 September 2020 provide a supplementary disclosure statement (accompanied by a statement of truth) which:
  - (a) confirms that it is not aware of any central source or repository within DAF which might include Truck-level emission standard information, or from which such information can be derived, other than those sources from which information has already been disclosed to the Claimants;
  - (b) sets out the results of the enquiries described in paragraph 2 above.

4. The documents/data to be disclosed and made available for inspection pursuant to paragraphs 1 and 2 above:
  - 4.1 may be confined to the best available evidence about the information which is the subject matter of the categories identified in the Annex to this Order. In each case, DAF should explain why the evidence it is providing is the "best available evidence" and why further disclosure is not proportionate; and
  - 4.2 if contained in the form of an electronic database, or extract therefrom, should be provided in their native electronic format or electronic excel format, together with a statement on how the relevant information has been compiled from the database(s) and, if appropriate, guidance on how it is to be examined.
5. In the event that the disclosure referred to in paragraph 1 and 2 above is considered by DAF to be unreasonable and/or disproportionate, DAF may, in the alternative to giving disclosure, directly provide information on the matter specified, at the same time that it gives disclosure. Where information is provided in lieu of disclosure, it shall be verified by a statement of truth and supported by a description of the sources from which the information concerned has been compiled and an explanation as to why disclosure of the underlying documents/data is unreasonable and/or disproportionate.
6. Subject to the provisions of the Confidentiality Ring Order, rules 31.3 and 31.15 of the Civil Procedure Rules apply in relation to the inspection of documents/data.
7. DAF may choose to disclose documents/data into the Confidentiality Ring in accordance with the Confidentiality Ring Order.
8. The parties may agree to extend any time period in this Order for a period of up to 35 days in total without reference to the Tribunal, provided that this does not affect the date given for any case management conference or any other hearing. Upon entering into any such agreement, the parties shall notify the Tribunal in writing of the expiry date of any such extension.
9. Costs in the case.
10. There be liberty to apply.

**Hodge Malek QC**  
Chairman of the Competition Appeal Tribunal

Made: 10 June 2020  
Drawn: 10 June 2020