



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1284/5/7/18 (T)
1290/5/7/18 (T)
1295/5/7/18 (T)

BETWEEN

ROYAL MAIL GROUP LIMITED

Claimant

-and-

- (1) DAF TRUCKS LIMITED**
- (2) DAF TRUCKS N.V.**
- (3) DAF TRUCKS DEUTSCHLAND GMBH**
- (4) PACCAR INC**
- (5) PACCAR FINANCIAL PLC**
- (6) LEYLAND TRUCKS LIMITED**

Defendants

AND BETWEEN

- (1) BT GROUP PLC**
- (2) BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY**
- (3) BT FLEET LIMITED**

Claimants

-and-

- (1) DAF TRUCKS LIMITED**
- (2) DAF TRUCKS N.V.**
- (3) DAF TRUCKS DEUTSCHLAND GMBH**
- (4) PACCAR INC**

Defendants

AND BETWEEN

- (1) DAWSONGROUP PLC**
- (2) DAWSONGROUP UK LIMITED**
- (3) DAWSONGROUP TRUCK AND TRAILER LIMITED**
- (4) DAWSONGROUP MATERIAL HANDLING LIMITED**
- (5) DAWSONGROUP SWEEPERS LIMITED**

Claimants

- and -

- (1) DAF TRUCKS N.V.
- (2) DAF TRUCKS DEUTSCHLAND GMBH
- (3) PACCAR INC.
- (4) DAF TRUCKS LIMITED
- (5) DAIMLER AG
- (6) MERCEDES-BENZ CARS UK LIMITED
- (7) AKTIEBOLAGET VOLVO (PUBL)
- (8) VOLVO LASTVAGNAR AB
- (9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (10) RENAULT TRUCKS SAS
- (11) VOLVO GROUP UK LIMITED

Defendants

REASONED ORDER

UPON reading the correspondence from the solicitors to the claimants dated 15 February 2019, from the solicitors to the DAF defendants in the above three proceedings dated 28 February 2019 and from the solicitors to the Volvo and Renault defendants and the solicitors to the Daimler defendants in the Dawsongroup proceedings each dated 28 February 2019

IT IS ORDERED THAT:

1. The DAF defendants, the Volvo defendants and the Renault defendants who are Addressees of the Decision of the European Commission dated 19 July 2016 in Case AT.39824 - Trucks ("the Decision") identify (either jointly or separately) by 26 April 2019, whether by way of a supplementary schedule or by list: --
which of the recitals in the Addressee Defendants' Response to the Claimants' Recital Schedules served on 5 February 2019 pursuant to the orders of the Tribunal made on 21-22 November 2018 (the "Orders") that these defendants have contended are not binding as they do not form an essential basis of the Decision, these defendants admit as a matter of fact or law; and where the defendants do not admit all the facts and matters in a recital, whether there are any parts of that recital which are admitted.
2. The costs occasioned by the correspondence referred to above are reserved to the hearing on 2-3 May 2019.

REASONS:

1. The purpose of the Orders was to establish the relevant scope of the dispute on the binding nature of the recitals to the Decision, so that the Tribunal can consider at the next Case Management Conference the most appropriate way to determine this dispute as a matter of case management. Insofar as a recital is admitted, any dispute as to whether it is binding as a matter of law is irrelevant.

2. Since these defendants will have considered the Statement of Objections adopted by the Commission against them on 20 November 2014 and thereafter engaged in settlement discussions with the Commission expressing their views on the objections raised against them, this order imposes no hardship upon them.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 2 April 2019
Drawn: 3 April 2019