



**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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**ORDER**

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**UPON** reviewing the directions order made by the Tribunal on 2 and 3 May 2019

**AND UPON** the Claimants providing their draft amended particulars of claim to the Defendants on 28 June 2019

**AND UPON** the parties having agreed to the undertaking set out in the Annexure to this order

**IT IS ORDERED BY CONSENT THAT:**

1. The Claimants have permission to amend their Particulars of Claim in the form of the draft Amended Particulars of Claim provided to the Defendants on 28 June 2019 (as may be amended with agreement of all parties) save that in respect of amendments relating to matters which fall beyond the scope of the settlement decision of the European Commission dated 19 July 2016 in Case AT.39824 – Trucks (the “**Non-Decision Amendments**”), permission is granted on the basis that the effect of the amendment is not, for limitation purposes, to give rise to a relation back of the Non-Decision Amendments to the date of the issue of these proceedings (hereafter the relation back proviso) unless the Claimants can show at trial that, for the purpose of section 35 Limitation Act 1980:
  - (a) the Non-Decision Amendments do not add or substitute a new claim or claims; or
  - (b) in respect of any Non-Decision Amendments which do add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claim which is pleaded in the Particulars of Claim.
2. The relation back proviso is without prejudice to the Claimants right to rely at trial on section 32 Limitation Act 1980.
3. Costs in the case.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 4 September 2019  
Drawn: 5 September 2019

## ANNEXURE

### UNDERTAKING

Ryder Limited and Hill Hire Limited (the “**Claimants**”) undertake that they will not assert that the effect of the amendment, permission for which is granted by paragraph 1 of the order to which this undertaking is annexed (the “**Order**”), is otherwise than as stated in paragraphs 1 and 2 of the Order regarding the effect of relations back.