



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1293/5/7/18 (T)

Case: 1292/5/7/18 (T)

Case: 1294/5/7/18 (T)

(1) – (139) VEOLIA ENVIRONNEMENT S.A. AND OTHERS

Claimants

-v-

(1) – (15) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (4) PACCAR INC. AND OTHERS

Third Parties

AND

(1) – (339) SUEZ GROUPE SAS AND OTHERS

Claimants

-v-

(1) – (4) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (15) IVECO S.P.A. AND OTHERS

Third Parties

AND

(1) – (153) WOLSELEY UK LIMITED AND OTHERS

Claimants

-v-

(1) - (4) FIAT CHRYSLER AUTOMOBILES N.V. AND OTHERS

Defendants

-and-

(1) - (15) MAN SE AND OTHERS

Third Parties

CONSENT ORDER

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

- **“IVECO”** means the 1st to 4th Defendants in Case 1293/5/7/18 (T), the 1st and 2nd Defendants and 1st and 2nd Named Third Parties in Case 1292/5/7/18 (T) and the 1st and 2nd Defendants and 14th and 15th Named Third Parties in Case 1294/5/7/18 (T);
- **“Claimants”** means the Claimants in the VSW Proceedings;
- **“Disclosing Parties”** means the Claimants and IVECO;
- **“Claimant Group”** means the Claimants forming part of the Veolia Group, Suez Group, Wolseley Group, Metro Group, Brakes Group, NWF Group, Dairycrest Group and CM Downton respectively;
- **“Claimants’ Redfern”** means the Redfern Schedule of claimant disclosure requests filed by the Claimants on 31 July 2019;
- **“Defendants’ Redfern”** means the Redfern Schedule of defendant disclosure requests filed by the Defendants on 31 July 2019;
- **“Ryder Proceedings”** means the proceedings in Case 1291/5/7/18 (T) Ryder Limited and Another v MAN SE and Others
- **“VOC”** means volume of commerce.

AND UPON the Disclosing Parties having agreed to disclose by consent a first phase of quantum disclosure, to be given in multiple tranches

AND UPON, in light of this agreement, the Disclosing Parties having agreed not to pursue at the hearing before the Competition Appeal Tribunal on 19/20 September 2019 as against each other any of the quantum disclosure requests detailed in the Claimants’ Redfern or the Defendants’ Redfern

AND UPON the Disclosing Parties having agreed that they each retain the right to seek additional quantum disclosure from the other Disclosing Party at a time after the hearing before the Competition Appeal Tribunal on 19/20 September 2019

BY CONSENT IT IS ORDERED THAT:

Quantum Disclosure

First Tranche

With reference to the categories set out in Annexes 1 and 2 to this Order:

1. By 4pm on 20 December 2019, IVECO shall disclose and provide inspection of the data/documents referred to under the heading Tranche 1 in Annex 2.
2. By 4pm on 20 December 2019, the Claimants shall disclose and provide inspection of the information referred to under the heading Tranche 1 in Annex 1.
3. By 4pm on 31 January 2020, IVECO shall disclose and provide inspection of the data/documents referred to under the heading Tranche 2 in Annex 2.
4. By 4pm on 31 January 2020, the Claimants shall disclose and provide inspection of the data/documents referred to under the heading Tranche 2 in Annex 1.
5. The Disclosing Parties agree that the data/documents to be disclosed pursuant to paragraphs 1, 2, 3 and 4 above:
 - (a) should be sufficient in volume and content to allow the Disclosing Parties to make material progress in developing their econometric analysis in the key areas of dispute in the VSW Proceedings; and
 - (b) are confined to information and data reasonably readily available to the Disclosing Parties.
6. The Disclosing Parties agree that the data/documents to be disclosed pursuant to paragraphs 1, 2, 3 and 4 above, 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 (i) a statement setting out how the relevant information has been compiled for the database (including details of any data cleaning exercise conducted before disclosing the data), (ii) if appropriate, guidance on how the data is to be examined or any other explanatory notes or material which would assist the

Disclosing Parties' expert economists in analysing the disclosed information.

Liberty to apply

7. The Disclosing Parties shall have liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 6 September 2019
Drawn: 6 September 2019