



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

Case No: 1294/5/7/18 (T)

BETWEEN:

**WOLSELEY UK LIMITED AND OTHERS**

Claimants

- and -

- (1) FIAT CHRYSLER AUTOMOBILES N.V.**
- (2) CNH INDUSTRIAL N.V.**
- (3) DAF TRUCKS N.V.**
- (4) DAF TRUCKS LIMITED**

Defendants

- and -

- (1) MAN SE**
- (2) MAN TRUCK & BUS AG**
- (3) MAN TRUCK & BUS DEUTSCHLAND GMBH**
- (4) AKTIEBOLAGET VOLVO (PUBL)**
- (5) VOLVO LASTVAGNAR AKTIEBOLAG**
- (6) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**
- (7) RENAULT TRUCKS SAS**
- (8) PACCAR INC**
- (9) DAF TRUCKS DEUTSCHLAND GMBH**
- (10) DAIMLER AG**
- (11) SCANIA AKTIEBOLAG (PUBL)**
- (12) SCANIA CV AKTIEBOLAG (PUBL)**
- (13) SCANIA DEUTSCHLAND GMBH**
- (14) IVECO S.P.A.**
- (15) IVECO MAGIRUS AG**

Third Parties

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**AMENDED CONSENT ORDER**

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**UPON** the Claimants' application of 30 August 2019 for permission to amend their claim form dated 21 December 2017

**AND UPON** the Defendants agreeing to that application

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

**AND UPON** the Claimants giving the undertaking set out in Annex A to this order (“the Undertaking”)

**AND UPON** the Defendants consenting to those amendments subject to the Undertaking

**AND UPON** the Claimants’ application of 26 November 2019 for permission further to amend their claim form to remove certain additional claimant entities, and their letter of 27 November 2019 clarifying the identity of those entities

**AND UPON** the Defendants agreeing to that application

**BY CONSENT IT IS ORDERED THAT:**

1. The Claimants have permission to amend their Claim Form in the form appended to the letter from the solicitors for the Claimants to the Tribunal dated 30 August 2019 with the further removal of C119 and C124 from the Claim Form.
2. The Claimants have permission to amend their Particulars of Claim in the form of the Amended Consolidated Particulars of Claim as enclosed in Annex B (with the further amendments to the Claimant entities set out in paragraph 1 above) save that in respect of the 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 "**Disputed 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 Disputed Amendments to the date of the issue of these proceedings, unless the Claimants can show at trial that, for the purpose of section 35 Limitation Act 1980:
  - (a) the Disputed Amendments do not add or substitute a new claim or claims; or

(b) in respect of any Disputed 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.

3. Costs in the case.

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

Made: 27 November 2019  
Drawn: 28 November 2019

## Annex A

The Claimants undertake that they will not assert that the effect of the amendment, permission for which is granted by paragraph 2 of the order to which this undertaking is annexed (the “**Order**”), is otherwise than as stated in paragraph 2 of the Order regarding the effect of relation back and/or assert for the purposes of relation back that it was not reasonably arguable that the Disputed Amendments were outside the applicable limitation period as at 30 August 2019 (such undertaking being without prejudice to the Claimants’ right to argue that any limitation defence is wrong).

## **Annex B**