



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

DIRECTIONS ORDER

UPON the matter coming before the Tribunal for a Case Management Conference on 6 February 2020 (the “CMC”)

AND UPON the adjournment of the VSW Claimants’ application to identify test claimants in the VSW Proceedings

AND UPON hearing Counsel for the Trucks Claimants and Counsel for the Trucks Defendants at the CMC

AND UPON reading the correspondence from the solicitors to the Claimants and to the Defendants sent subsequent to the CMC

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

- **“Royal Mail Claimants”** means the claimants in the “Royal Mail Proceedings” (Case: 1284/5/7/12(T));
- **“BT Claimants”** means the claimants in the “BT Proceedings” (Case: 1290/5/7/18(T));
- **“Ryder Claimants”** means the claimants in the “Ryder Proceedings” (Case: 1291/5/7/18(T));
- **“VSW Claimants”** means the claimants in the “VSW Proceedings” (Cases:1292/5/7/18(T); 1293/5/7/18(T); and 1294/5/7/18(T));
 - **“Veolia Claimants”** means the claimants in the “Veolia Proceedings” (Case: 1292/5/7/18(T))
 - **“Suez Claimants”** means the claimants in the “Suez Proceedings” (Case: 1293/5/7/18(T))
 - **“Wolseley Claimants”** means the claimants in the “Wolseley Proceedings” (Case: 1294/5/7/18(T))
- **“Dawsongroup Claimants”** means the claimants in the “Dawsongroup Proceedings” (Case: 1295/5/7/18(T)).

- **“Other Trucks Claims”** means the Royal Mail Proceedings; the BT Proceedings; the Ryder Proceedings; and the Dawsongroup Proceedings.
- **“Trucks Claims”** means all of the Other Trucks Claims and the VSW Proceedings.
- **“Trucks Claimants”** means the claimants in all of the Trucks Claims.
- **“Trucks Defendants”** means the defendants in all of the Trucks Claims.
- **“MAN Defendants”** means MAN SE, Man Truck & Bus SE, MAN Truck & Bus Deutschland GmbH, and MAN Truck and Bus UK Limited.
- **“Volvo/Renault Defendants”** means Aktiebolaget Volvo (publ), Volvo Lastvagnar AB, Volvo Group Trucks Central Europe GmbH, Renault Truck Commercials Limited, and Renault Trucks SAS.
- **“Daimler Defendant”** means Daimler AG.
- **“Iveco Defendants”** means CNH Industrial NV, Fiat Chrysler Automobiles NV, Iveco SPA and Iveco Magirus AG.
- **“DAF Defendants”** means Paccar Inc., DAF Trucks N.V., DAF Trucks Deutschland GmbH, and DAF Trucks Limited.
- **“Scania Defendants”** means Scania Aktiebolag (publ), Scania CV Aktiebolag (publ) and Scania Deutschland GmbH.
- **“Main Defendants”** means the defendants to the Part 7 claims in the VSW Proceedings
- **“VSW Defendants”** means the Main Defendants and the defendants to the Part 20 claims (including by way of contribution notice) in the VSW Proceedings.
- **“Confidentiality Ring Orders”** means the Order of Mr Justice Roth dated 12 June 2019 in the Veolia Proceedings (which replaced the Confidentiality Ring Order dated 18 April 2019, which replaced the Confidentiality Ring Order dated 18 December 2018, which in turn had replaced the Confidentiality Ring Order dated 31 July 2018); the Order of Mr Justice Roth dated 12 June 2019 in the Suez Proceedings (which replaced the Confidentiality Ring Order dated 18 April 2019, which replaced the Confidentiality Ring Order dated 18 December 2018, which in turn had replaced the Confidentiality

Ring Order dated 31 July 2018); and the Order of Mr Justice Roth dated 12 June 2019 in the Wolseley Proceedings (which replaced the Confidentiality Ring Order dated 18 December 2018, which in turn had replaced the Confidentiality Ring Order dated 31 July 2018).

- **“Confidential Information”** means Inner Confidentiality Ring Information and/or Outer Confidentiality Ring Information as defined in the Confidentiality Ring Orders.
- **“Relevant Disclosure”** means the documents disclosed by:
 - (a) The Defendants in these Proceedings (or any of them) to the Claimants in these Proceedings (or any of them); or
 - (b) The defendants in the Other Trucks Claims (or any of them) to the claimant or claimants in those respective claims,save for documents which formed part of the European Commission’s administrative file relating to its investigation in Case AT.39824 – *Trucks* which have been disclosed in either these Proceedings or the Other Trucks Claims.

IT IS ORDERED THAT:

Amendments to the pleadings

1. The Suez Claimants and Wolseley Claimants shall, by 4pm on 20 February 2020, provide the VSW Defendants with draft amended particulars of claim setting out further particulars of their claims for compound interest.
2. The Veolia Claimants shall, by 4pm on 5 March 2020, provide the VSW Defendants with draft amended particulars of claim setting out further particulars of their claims for compound interest.
3. The Main Defendants shall confirm by 26 March 2020 whether they consent to the proposed amendments set out in the draft amended particulars of claim in each of the VSW Proceedings pursuant to CPR r 17.1(2)(a). If the Main Defendants (or any of them) do not consent, they shall provide reasons for withholding consent at that time.

4. If the Main Defendants consent to the amendments proposed, the VSW Claimants shall file and serve their amended particulars of claim within 7 days of receipt of consent.
5. To the extent that the Main Defendants do not consent to the amendments proposed, the VSW Claimants may make applications to the Tribunal for permission to amend their particulars of claim within 14 days of consent being withheld.
6. The Main Defendants shall make any consequential amendments to their defences within 28 days of service of the amended particulars of claim.
7. The VSW Claimants shall (if so advised) file and serve an amended Reply (or Replies, as the case may be) within 28 days of service of the Main Defendants' amended defences.

The Iveco “Daily” range of trucks

8. The VSW Claimants shall, by 4pm on 19 March 2020, identify the number of “Daily” trucks which they say form part of the VSW Proceedings, and indicate whether they are pursuing their claim in relation to those “Daily” trucks.

Identification of common disclosure

9. Each of the VSW Defendants, with the exception of the DAF Defendants and the Scania Defendants, shall, by 4pm on 23 March 2020, identify which of the Relevant Disclosure that has already been disclosed by that defendant to the VSW Claimants, has also been disclosed by that defendant to the claimant(s) in the Other Trucks Claims and the identity of those other claimant(s).
10. The DAF Defendants shall identify which of the Relevant Disclosure that has already been disclosed by the DAF Defendants to the VSW Claimants, has also been disclosed by the DAF Defendants to:
 - (a) all of the claimants in the Other Trucks Claims, by 4pm on 23 March 2020; and, save where identified by (a),
 - (b) any individual claimant or claimants in the Other Trucks Claims, by 4pm on 2 April 2020. In so doing, the DAF Defendants shall identify which individual claimants have received which Relevant Disclosure.

11. In respect of all Relevant Disclosure that is provided by any VSW Defendant after the date of this Order, that defendant, with the exception of the Scania Defendants, shall, when giving the disclosure, and on a best endeavours basis, inform the VSW Claimants:
 - (a) whether the disclosure is also being or has been disclosed to one or more claimants in the Other Trucks Claims and the identity of that/those claimant(s); and
 - (b) if so, whether or not the disclosure referred to in paragraph 11(a) is being or has been designated as Confidential Information (and if so, whether it has been designated as Inner Confidentiality Ring Information or Outer Confidentiality Ring Information).
12. The terms of the Confidentiality Ring Orders shall be amended so that the Claimants' Economic Expert (as shall be defined in the amended Confidentiality Ring Orders) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure designated as Confidential Information which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the VSW Claimants and to the claimant or claimants in the Other Trucks Claims.
13. The Claimants' Economic Expert (as shall be defined in the amended Confidentiality Ring Orders) may discuss with the Economic Experts of any of the claimants in the Other Trucks Claims any Relevant Disclosure that has not been designated as Confidential Information and which has been identified by the disclosing party, pursuant to this Order, as having been disclosed to both the Claimants and to the claimant or claimants in the Other Trucks Claims.

Other matters

14. A further case management conference shall be listed for two days in July 2020.
15. The parties may agree to extend any time period to which the Trucks Claims may be subject for a period or periods of up to 35 days in total without reference to the Tribunal, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

Costs

16. Costs in the case.

Other

17. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 30 March 2020
Drawn: 31 March 2020