



**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**COMPETITION LIST (ChD)**

Master Clark  
6 February 2020

CP-2019-000036

**BETWEEN**

**(1) ENTERPRISE RENT-A-CAR UK LIMITED**  
**(2) S.H.B. HIRE LIMITED**

**Claimants**

**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**  
**(7) CNH INDUSTRIAL N.V.**  
**(8) FIAT CHRYSLER AUTOMOBILES N.V.**  
**(9) IVECO LIMITED**  
**(10) IVECO S.P.A**  
**(11) IVECO MAGIRUS AG**

**Defendants**

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**ORDER**

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**BY CONSENT**

**IT IS ORDERED THAT:**

1 Subject to the terms of paragraph 2 of this order, such parts of the claim as relate to:

- (a) a claim to which section 47A of the Competition Act 1998 applies; and/or
- (b) an infringement issue (as defined in section 16(6) of the Enterprise Act 2002);

shall be transferred to the Competition Appeal Tribunal (“the **Tribunal**”) for its determination of those issues pursuant to section 16(4) of the Enterprise Act 2002 and/or section 16(1) of that Act together with Regulation 2(a) of the Section 16 Enterprise Act 2002 Regulations 2015.

2 The provisions at paragraph 1 of this order shall take effect upon the earlier of:

- (a) the service and filing of any Replies to Defences served and filed by the Defendants; or
- (b) 28 days following the service and filing of Defences.

- 3 The sending of this order to the parties and the Tribunal shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
- 4 For the avoidance of doubt:
- (a) neither this order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the claim as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the claim as constituted in this court before the transfer takes effect is not capable of falling within the jurisdiction of the Tribunal on a transfer or would be altered, limited or excluded by this order or the transfer, it is not subject to this order and remains within the jurisdiction of this court;
  - (b) the claim was and shall continue to be regarded as having been commenced in this court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015;
  - (c) any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an order of the court giving effect to that determination shall be governed by the rules in CPR Part 52; and
  - (d) this court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any such element referred to above.
- 5 The Claimants shall serve this order on the Defendants.

**Service of this order**

**The court has provided a sealed copy of this order to the serving party:**

Bryan Cave Leighton Paisner LLP (Ref: Andrew Hockley / Ed Coulson).