

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

MASTER CLARK
9 JANUARY 2020



CP-2019-000026

B E T W E E N:

(1) LAFARGEHOLCIM LTD
AND OTHERS (2ND TO 17TH CLAIMANTS)

Claimants

- and -

(1) ATKIEBOLAGET VOLVO (PUBL)
AND OTHERS (2ND TO 5TH DEFENDANTS)
(6) CNH INDUSTRIAL N.V.
AND OTHERS (7TH TO 9TH DEFENDANTS)

Defendants

CONSENT ORDER

UPON the Claimants and Defendants confirming to the Court that they do not object to the transfer of the claim to the Competition Appeal Tribunal provided that the transfer takes place upon the close of pleadings, the date of which the parties will jointly notify to the Court by letter ("**Date of Transfer**")

AND UPON the agreement of the Claimants and Defendants to the terms of the Order below

BY CONSENT IT IS ORDERED THAT:

1. Upon the Date of Transfer such part of these proceedings as relates to a claim to which section 47A of the Competition Act 1998 applies and such part of the proceedings as relates to an infringement issue (as defined in subsection 16(6) of the Enterprise Act 2002) will be transferred to the Competition Appeal Tribunal pursuant to subsection 16(4) of the Enterprise Act 2002 and/or subsection 16(1) of that Act together with Regulation 2 of the Section 16 Enterprise Act 2002 Regulations 2015.
2. The sending of this Order to the parties and the Competition Appeal Tribunal shall

constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR 30.4(1).

3. 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 Claimants' claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the Claimants' claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Competition Appeal 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 proceedings were 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 Competition Appeal 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.
 - 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 as referred to above.
4. The Claimants and Defendants have liberty to apply for variations to the Order.
5. The costs of making this Order shall be in the case.
6. This Order shall be served by the Claimants on the Defendants.

Service of this Consent Order

The Court has provided a sealed copy of this Order to the Serving Party, **Stewarts, 5 New Street Square, London, EC4A 3BF**. A copy of this sealed Order will be sent by the

Serving Party to the legal representatives for the First to Fifth Defendants, **Freshfields Bruckhaus Deringer LLP, 65 Fleet St, Temple, London EC4Y 1HS** and the legal representatives for the Sixth to Ninth Defendants, **Herbert Smith Freehills LLP, Exchange House, Primrose Street, London EC2A 2EG.**