



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**
(2) HILL HIRE LIMITED

Claimants

- and -

- (1) MAN SE**
(2) MAN TRUCK & BUS SE
(3) MAN TRUCK & BUS DEUTSCHLAND GMBH
(4) MAN TRUCK AND BUS UK LIMITED
(5) AB VOLVO (PUBL)
(6) VOLVO LASTVAGNAR AB
(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(8) VOLVO GROUP UK LIMITED
(9) RENAULT TRUCKS SAS
(10) DAIMLER AG
(11) MERCEDES BENZ CARS UK LIMITED
(12) FIAT CHRYSLER AUTOMOBILES N.V.
(13) CNH INDUSTRIAL N.V.
(14) IVECO S.P.A.
(15) IVECO MAGIRUS AG
(16) IVECO LIMITED
(17) PACCAR INC.
(18) DAF TRUCKS N.V.
(19) DAF TRUCKS DEUTSCHLAND GMBH
(20) DAF TRUCKS LIMITED

Defendants

CONSENT ORDER

UPON the Claimants and the 12th to 16th Defendants having agreed the terms of the Order set out below

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

- **“Defendant Disclosure Categories”** means the Iveco categories set out in Annex 5 to the Disclosure Order
- **“Disclosure Order”** means the Order of Hodge Malek QC drawn on 26 November 2019
- **“Iveco”** means the 12th to 16th Defendants
- **“Re-Amended Confidentiality Ring Order”** means the Order of Mr Justice Roth made on 30 March 2020

BY CONSENT IT IS ORDERED THAT:

1. Iveco shall disclose by no later than 30 November 2020:
 - a. the available REG data responsive to category VoC2/O1 of the Defendant Disclosure Categories for the years 1994, 1995 and 1996; and
 - b. a copy of the 1995-2004 Statcom data extract responsive to category VoC2/O1 of the Defendant Disclosure Categories without redactions with respect to Trucks sold prior to 1997.
2. Iveco shall conduct reasonable searches of the following databases for documents responsive to category VoC2/O1 of the Defendant Disclosure Categories for the year 1996:
 - a. The Data Warehouse system;
 - b. The Enterprise Datawarehouse system;
 - c. VCB data;
 - d. FCS vehicle options data; and
 - e. ISIS and OPI (in addition to Datawarehouse) budget exchange rates.
3. Iveco shall disclose by list, by no later than 18 December 2020, documents responsive to category VoC2/O1 of the Defendant Disclosure Categories which

have been identified by the searches conducted pursuant to paragraph 2 of this Order.

4. The documents to be disclosed and made available for inspection pursuant to paragraphs 1 and 3 of this Order should be provided in native electronic format or electronic excel format, together with a statement on how the relevant information has been compiled, and, if appropriate, guidance on how it is to be examined and understood.

Disclosure into the Confidentiality Ring

5. Iveco may choose to disclose documents into the Confidentiality Ring in accordance with the Re-Amended Confidentiality Ring Order.

Disclosure Statement

6. Iveco's disclosure given pursuant to paragraphs 1 and 3 of this Order shall be accompanied by a disclosure statement provided by no later than 18 December 2020 and made by an appropriate person which shall (a) set out the extent of the searches that have been made in order to locate the documents to be disclosed, (b) specify the manner in which the searches have been limited on reasonableness and proportionality grounds and why, and (c) certify to the best of their knowledge and belief that the disclosure ordered has been provided.

Inspection of documents and provision of copies

7. Requests for inspection of documents disclosed pursuant to this Order shall be made within 7 days after service of the lists. Copies of documents requested to be inspected shall be provided within 7 days of such requests.

Extension of time limits

8. The parties may agree to extend any time period in this Order for a period or periods of up to 28 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 any other court hearing 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

9. Costs in the case.

Other

10. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 6 November 2020
Drawn: 6 November 2020