



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 First to Fourth Defendants having agreed the terms of the Order as set out below;

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

“Disclosure Statement” has the meaning given to it by CPR Rule 31.10(6)(7) and (9);

“MAN” means the 1st to 4th Defendants;

“Re-Amended Confidentiality Ring” means the Order of Mr Justice Roth made on 30 March 2020; and

“Truck” means as defined at paragraph 5 of the Decision of the European Commission in Case AT.39824 – Trucks dated 19 July 2016.

BY CONSENT IT IS ORDERED THAT:

1. By 4.00 pm on 23 December 2020, MAN shall disclose by list Truck production costs data recorded in MAN’s MP1 data system at a disaggregate Truck level for the period January 1997 to December 2001 (inclusive) for Trucks which were ultimately sold by MAN on the UK market.
2. The data to be disclosed and made available for inspection pursuant to paragraph 1 above:
 - (a) may be confined to the best available evidence. Should MAN provide disclosure pursuant to this provision, it should explain why the evidence it is providing is the “best available evidence” and why further disclosure is not proportionate; and
 - (b) if contained in the form of an electronic database, or extract therefrom, should be provided in their native electronic format or electronic excel format, together with a statement on how the relevant information has been compiled from the database(s) and, if appropriate, guidance on how it is to be examined and understood.

3. In the event that the disclosure referred to in paragraph 1 above is considered by MAN to be unreasonable and/or disproportionate, MAN may, in the alternative to giving disclosure, directly provide information on the matters specified, at the same time that it gives disclosure. Where information is provided in lieu of disclosure it shall be verified by a statement of truth and supported by a description of the sources from which the information concerned has been compiled and an explanation as to why the disclosure of the underlying data is unreasonable and/or disproportionate.

Disclosure into the Confidentiality Ring

4. MAN may choose to make disclosure into the Confidentiality Ring in accordance with the Re-Amended Confidentiality Ring Order.

Disclosure Statements

5. MAN's disclosure by list given pursuant to paragraph 1 above shall be accompanied by a Disclosure Statement by an appropriate person which shall:
 - (a) set out the extent of the search that has been made in order to locate the data ordered to be disclosed,
 - (b) specify the manner in which the search has 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 and provision of copies

6. Requests for inspection of data disclosed pursuant to paragraph 1 above shall be made within 7 days after service of the lists. Copies of data requested to be inspected shall be provided within 7 days of making the request.

Extension of time limits

7. The parties may agree to extend any time period in this Order for a period of up to 28 days in total without reference to the Tribunal, provided that this does not affect the date given for any case management conference or any other hearing. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

Costs

8. Costs in the case.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 3 December 2020
Drawn: 3 December 2020