



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) STELLANTIS N.V. (FORMERLY 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 Twelfth to Sixteenth Defendants having agreed the terms of the Order

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

- **“Decision”** means the Commission Settlement Decision dated 19 July 2016 in Case AT.39824 – Trucks;
- **“Iveco”** means the Twelfth to Sixteenth Defendants;
- **“Re-Re-Amended Confidentiality Ring Order”** means the Order of Mr Justice Roth made on 4 December 2020;
- **“Truck”** has the meaning given to it in the Decision.

BY CONSENT IT IS ORDERED THAT:

1. Iveco shall disclose, by no later than 2 July 2021, for the period 1 January 1997 to 30 September 2017, the following documents identified by a reasonable and proportionate search methodology:
 - (a) **“O4A”**: Documents held in the UK prepared for or by senior management, whether based in Italy or the UK, which set out any factors that may be relevant to the setting of prices for new Trucks supplied to the UK, and which were deployed in the price-setting process (being the annual budget process, the agreement of targets for Iveco Limited, the setting of gross prices by Iveco Limited; and the setting of terms of the commercial/discount policy for a range of customers, but excluding the negotiation/agreement of specific prices with individual customers), including but not limited to changes resulting from:
 - (i) actual input price changes (materials, labour, energy and other) and forecasts/expectations where applicable;
 - (ii) exchange rate changes;
 - (iii) demand changes and forecasts/expectations;
 - (iv) changes in total number of sales;

- (v) policy and regulatory changes (e.g. safety, emissions standards);
 - (vi) one-off 'shocks' (e.g. manufacturing outages);
 - (vii) market structure changes;
 - (viii) information on demand and supply gathered through market intelligence (as referenced in recital 47 of the Decision);
 - (ix) seasonal and country-specific effects;
 - (x) duties/tax; and
 - (xi) material changes in product features.
- (b) **“O2A(i)”**: Documents prepared by or for senior management, whether based in Italy or the UK, which explain how the COGS data previously disclosed to the Claimants by Iveco for UK Trucks were calculated or amended, including but not limited to:
- (i) documents assessing movements in materials, labour and overheads, separately and in combination;
 - (ii) documents explaining how R&D costs were included in the figures, in particular those related to the emission standards;
 - (iii) documents explaining how currency movements affected the COGS during each year;
 - (iv) documents explaining how overhead costs were allocated by Iveco; and
 - (v) documents explaining what overheads, if any, are not included in the COGS data.
- (c) **“O2A(ii)”**: For each Truck supplied into the UK by Iveco, the breakdown of COGS into (separately) materials, labour, and overhead, or, if this is not

available, documents allowing the proportion of costs related to overheads to be identified and stripped out of the COGS data disclosed by Iveco.

- (d) **“PS3(b)(ii)”**: Dealer commercial/discount policies, including but not limited to documents communicating changes to the commercial/discount policy related to dealers.

Disclosure into the Confidentiality Ring

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

Disclosure Statement

- 3. Iveco's disclosure given pursuant to paragraph 1 of this Order shall be accompanied by a disclosure statement 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

- 4. 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

- 5. The parties may agree to extend any time period in this Order 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 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

6. Costs in the case.

Other

7. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 22 April 2021
Drawn: 22 April 2021