



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1284/5/7/18 (T)  
1290/5/7/18 (T)

BETWEEN

**ROYAL MAIL GROUP LIMITED**

Claimant

-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**

Defendants

(the “Royal Mail Proceedings”)

AND BETWEEN

- (1) **BT GROUP PLC**
- (2) **BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY**
- (3) **BT FLEET LIMITED**

Claimants

-and-

- (1) **DAF TRUCKS LIMITED**
- (2) **DAF TRUCKS N.V.**
- (3) **DAF TRUCKS DEUTSCHLAND GMBH**
- (4) **PACCAR INC**

Defendants

(the “BT Proceedings”)

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**DIRECTIONS ORDER**

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

- “**Alleged Complements**” means goods which may be complementary to the purchase of a Truck, specifically Truck bodies and Truck trailers in the case of the Royal Mail Proceedings and Truck bodies in the case of the BT Proceedings.

- **“Complements Issue”** means the issue of whether and to what extent any Overcharge was offset by reductions in the prices which the Claimants paid for Alleged Complements during the Relevant Period.
- **“DAF”** means the Defendants in cases 1284/5/7/18 (T) and 1290/5/7/18 (T).
- **“Infringement”** means the unlawful collusion found by the Commission in its Decision (AT.39824 - Trucks) and as particularised in the Claimants’ Particulars of Claim.
- **“Overcharge”** means inflation (if any) of Truck prices resulting from the Infringement.
- **“Relevant Period”** has the meaning given in the Claimants’ Particulars of Claim.
- **“Trucks”** has the meaning given in Article 5 of the Commission's Decision (AT.39824 - Trucks)

**AND UPON** paragraph 13 of the Tribunal’s Order drawn on 21 May 2021 providing that Royal Mail and BT have liberty to apply for permission to adduce additional expert evidence in respect of the issues outlined in paragraph 9(c) of that order, namely the Complements Issue

**AND UPON READING** the correspondence from the parties dated 6 July 2021, 5, 9, 12, 20, 24 and 31 August 2021, and 2 and 8 September 2021

**IT IS ORDERED BY CONSENT THAT:**

1. Royal Mail and BT are permitted to adduce written and oral evidence in the field of regulatory and competition economics from Mr James Harvey to address the Complements Issue by reference to an analysis that considers the relationship between the prices of Trucks and the profit margins of the manufacturers of the Alleged Complements (on the basis that Mr Harvey intends to use profit margins as a proxy for the prices of the Alleged Complements).
2. DAF are permitted to adduce written and oral evidence from Professor Damien Neven in the field of regulatory and competition economics to respond to Mr Harvey’s analysis.

**Costs**

3. Costs in the case.

**Other**

4. Liberty to apply.

**Hodge Malek QC**  
Chairman of the Competition Appeal Tribunal

Made: 13 September 2021  
Drawn: 13 September 2021