



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

AND BETWEEN:

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

Claimants

-and-

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

Defendants

ORDER

UPON reading the written submissions of the parties filed in advance of a pre-trial review held on 22 March 2022 (the “PTR”)

AND UPON hearing Counsel for the parties at the PTR

IT IS ORDERED THAT:

1. Any documents read to, or by, the Tribunal, or referred to by the parties’ Counsel, at the PTR, which have been designated as containing Confidential Information, under the confidentiality ring orders of Mr Justice Roth dated 4 December 2020 (the “Confidentiality

Ring Orders”) shall remain subject to the protections set out in those Confidentiality Ring Orders, save that nothing read out by the parties’ Counsel during the PTR should be treated as Confidential Information.

Disclosure

2. The Claimants’ application for specific disclosure be dismissed.

Expert Evidence

3. Pursuant to Rule 53 of the Tribunal Rules, expert evidence in these proceedings will be given in the following format:
 - a) Cross-examination:
 - i) Mr James Harvey and Professor Damien Neven in respect of each expert’s Theory of Harm.
 - ii) Mr James Harvey and Mr Mark Bezant in respect of each expert’s report on supply pass-on.
 - iii) Mr John Earwaker and Mr Julian Delamer in respect of each expert’s report on financing losses.
 - iv) Mr Gordon Singer and Mr Paul Pritchard in respect of each expert’s report on tax.
 - b) Concurrent evidence followed by cross-examination: all other issues.
4. The parties to exchange suggested lists of topics for concurrent evidence in respect of Overcharge and Value of Commerce and Complements by 4pm on 14 April 2022, and to provide same to the Tribunal by 4pm on 22 April 2022.
5. The parties to exchange suggested lists of topics for concurrent evidence in respect of Used Trucks and Loss of Volume by 4pm on 20 May 2022 and to provide same to the Tribunal by 4pm on 27 May 2022.

Further matters

6. Liberty to apply.
7. All costs of the PTR shall be costs in the case.

The Honourable Mr Justice Michael Green
Chairman of the Competition Appeal Tribunal

Made: 31 March 2022
Drawn: 31 March 2022