



IN THE COMPETITION
APPEAL TRIBUNAL

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

BETWEEN:

ROYAL MAIL GROUP LIMITED

Claimant

- v -

(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

- v -

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

Defendants

ORDER

UPON the Tribunal handing down its judgment of 7 February 2023 ([2023] CAT 6) (the “**Judgment**”);

AND UPON the Tribunal handing down its ruling of 16 May 2023 ([2023] CAT 32) in respect of permission to appeal and costs (the “**Ruling**”);

AND UPON considering the terms of the Judgment and the Ruling, which should be read together with this Order;

AND UPON the Tribunal handing down a ruling in respect of costs dated 23 June 2020 in respect of these proceedings;

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

- **“BT”** means the claimants in the BT Proceedings;
- **“BT Proceedings”** means Case 1284/5/7/18 (T) (the proceedings before the Tribunal) and Case CP-2017-000014 (the proceedings before the High Court of Justice);
- **“BT Excepted Costs”** means the Costs of the Preliminary Issue;
- **“Business Day”** means a day other than a Saturday, Sunday, bank holiday or public holiday in the United Kingdom;
- **“Costs of the Preliminary Issue”** means:
 - (a) the costs sought by Royal Mail/BT (as applicable) in respect of the costs ordered in paragraph 22(a) of the Tribunal’s ruling dated 23 June 2020 in respect of these proceedings; and
 - (b) the costs sought by Royal Mail/BT (as applicable) in respect of the costs ordered in paragraph 6 of the Court of Appeal’s order dated 26 November 2020 in respect of these proceedings.
- **“Costs of Pleading Amendments”** means:
 - (a) the costs of the amendment of Royal Mail’s Particulars of Claim ordered in paragraph 1 of the Consent Order of Master Bowles made on 8 May 2017 in the Royal Mail Proceedings; and
 - (b) the costs of the Defendants in the Royal Mail Proceedings of and caused by Royal Mail’s amendments to withdraw its Hurdle Rate Claim, as well as the costs thrown away as a consequence of the Hurdle Rate Claim which was not pursued by Royal Mail, ordered in paragraph 3 of the Order of Mr Justice Roth made on 19 February 2021.

- **“Hurdle Rate Claim”** has the meaning given in recital 1 of the Consent Order of Mr Justice Roth made on 19 February 2021 in the Royal Mail Proceedings;
- **“Royal Mail”** means the claimant in the Royal Mail Proceedings;
- **“Royal Mail Excepted Costs”** means the Costs of the Preliminary Issue and the Costs of Pleading Amendments;
- **“Royal Mail Proceedings”** means Case 1290/5/7/18 (T) (the proceedings before the Tribunal) and Case HC-2016-003442 (the proceedings before the High Court of Justice);

IT IS ORDERED THAT:

Costs

1. Subject to paragraph 3 of this Order, and except for the RM Excepted Costs, the Defendants in the Royal Mail Proceedings shall pay Royal Mail’s costs of the Royal Mail Proceedings, such costs to be subject to detailed assessment and assessed on the standard basis by a costs officer of the Senior Courts of England and Wales if not agreed.
2. Subject to paragraph 3 of this Order, and except for the BT Excepted Costs, the Defendants in the BT Proceedings shall pay BT’s costs of the BT Proceedings, such costs to be subject to detailed assessment and assessed on the standard basis by a costs officer of the Senior Courts of England and Wales if not agreed.
3. Pursuant to Rule 104(2):
 - (a) the Defendants in the Royal Mail Proceedings shall, within 10 Business Days of this Order, pay Royal Mail 70% of its incurred costs as per Royal Mail’s summary schedule dated 27 February 2023 by way of interim payment on account of costs, which is the sum of £9,216,878; and
 - (b) the Defendants in the BT Proceedings shall, within 10 Business Days of this Order, pay BT 75% of its incurred costs as per BT’s summary schedule dated

27 February 2023 by way of interim payment on account of costs, which is the sum of £4,938,888.

4. Any judgment debt arising in relation to the sums specified under paragraph 3 of this Order shall carry daily interest at the per annum rate stipulated by section 17 of the Judgments Act 1838 (as amended) from (and including) the date of this Order until (but excluding) the date on which final payment is actually made.

Other

5. There be liberty to apply.

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

Made: 24 May 2023
Drawn: 24 May 2023