



IN THE COMPETITION APPEAL TRIBUNAL

Case: 1435/5/7/22 (T)

BETWEEN:

- (1) STELLANTIS AUTO SAS
- (2) GIE PSA TRESORERIE
- (3) STELLANTIS NV
- (4) OPEL AUTOMOBILE GMBH
- (5) STELLANTIS EUROPE SPA
- (6) FCA SRBIJA D.O.O. KRAGUJEVAC
- (7) FCA POLAND SP.Z O.O
- (8) MASERATI SPA
- ~~(9) SOCIETA EUROPEA VEICOLI
LEGGERI (SEVEL) SPA~~
- (10) VAUXHALL MOTORS LTD
- (11) STELLANTIS ESPAÑA SLU

Claimants

- v -

- (1) AUTOLIV AB
- (2) AUTOLIV, INC.
- (3) AUTOLIV JAPAN LTD
- (4) AUTOLIV B.V. & CO. KG
- (5) AIRBAGS INTERNATIONAL LTD
- (6) ZF TRW AUTOMOTIVE HOLDINGS
CORP.
- (7) ZF AUTOMOTIVE SAFETY
GERMANY GMBH
- (8) ZF AUTOMOTIVE GERMANY GMBH
- (9) TRW SYSTEMS LTD
- (10) ZF AUTOMOTIVE UK LTD
- ~~(11) TOKAI RIKKA CO., LTD~~
- ~~(12) TOYODA GOSEI CO., LTD~~

Defendants

CONSENT ORDER

UPON paragraph 12 of the Order of the Chair made on 20 October 2023, directing that witness statements in these proceedings be filed and served by 4pm on 2 February 2024, and that any witness statements in reply be filed and served by 4pm on 1 March 2024

AND UPON the Application by all parties to these proceedings (the “**Parties**”) dated 16 January 2024

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

- “**Autoliv**” means the First to Fifth Defendants
- “**ZF/TRW**” means the Sixth to Tenth Defendants

AND UPON the Parties having agreed the terms of this Order

BY CONSENT IT IS ORDERED THAT:

1. A request for international judicial assistance to the French Ministry of Justice (Ministère de la Justice) pursuant to Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “**Hague Convention**”) be hereby issued in the terms of the attached request (the “**Request for Assistance**”).
2. Mr Alexander Blumrosen (the “**Commissioner**”) of Polaris Law be appointed as Commissioner, pending the approval of the French Ministry of Justice, to take the evidence (and, if applicable, any reply evidence) of the witnesses who are located in France or are French citizens in aid of these proceedings (the “**French Factual Witnesses**”). The evidence sought from the French Factual Witnesses is provided in the form of signed and dated written statements reflecting their personal knowledge of the facts relating to the claims raised in these proceedings.
3. As is common practice in English proceedings in order to ensure fairness between all parties to proceedings in accordance with English requirements of due process, the Claimants should remain unaware of the identities of the Defendants’ French Factual Witnesses (and vice versa) until the date of exchange of witness statements (currently being 2 February 2024). The Claimants and Defendants have agreed to each provide the French Minister of Justice (via the Commissioner) with the names of their French Factual Witnesses under confidential cover. The Commissioner will also inform the French Minister of Justice upon completion of the process of taking evidence from the French Factual Witnesses. For completeness and so as to enable the Tribunal to make the Request for Assistance envisaged by this Order on a fully informed basis, the Claimants’ French Factual Witnesses are listed at **Annex 1** to this Order; and the Defendants’ French Factual Witnesses are listed at **Annex 2** to this Order. However, the Parties request that upon publication of the Order, the Tribunal keep the contents of these Annexes confidential, including as between the Parties.
4. The following directions apply to the giving of evidence by the witnesses:

- (a) the Parties are to provide the Commissioner with the signed Consent Order, who will arrange for a translation of the Consent Order into French;
 - (b) the Parties are to each provide the Commissioner with the names of their French Factual Witnesses under confidential cover;
 - (c) the Commissioner will provide the French Minister of Justice with the Consent Order, names of the French Factual Witnesses and translation as soon as possible thereafter;
 - (d) each of the Parties liaise with the Commissioner to determine an appropriate time for the taking of evidence;
 - (e) the Commissioner may take the evidence of the French Factual Witnesses remotely via video-link (or in person);
 - (f) the appropriate place for the taking of evidence is remotely via video-link or in person at the offices of any of the Parties' legal advisors, whether located in England or France; and
 - (g) the relevant factual witnesses sign their witness evidence under the observation of the Commissioner (whether by video-link or in person).
5. The Commissioner is given discretion to conduct any part of the evidence process envisaged under the directions set out above remotely provided that this can be done to the satisfaction of each Party.
6. This Order and the Request for Assistance be provided to the Parties who will within 2 working days request the Commissioner to file the witness evidence, along with French translations of such documents, with the French Minister of Justice (Ministère de la Justice, Direction des Affaires Civile et du Sceau, Département de l'entraide, du droit international privé et européen, 13, Place Vendôme, 75042 Paris Cedex 01, France).
7. All costs of this Hague Convention process, including, without limitation the fees of the Commissioner, the expenses of the French authorities, translation fees and any other documents will be borne by the Parties jointly in equal shares by all Parties adducing evidence from French Factual Witnesses.
8. Neither this Order nor the Request for Assistance nor any steps taken by the Commissioner or by the Parties pursuant to the Hague Convention shall waive, or be deemed or argued to have waived, legal privilege or any other privileges, rights, protections or prohibitions that may apply to the evidence to be obtained under the laws of France or England & Wales.

9. Costs of this Application shall be in the case.

Justin Turner KC
Chair of the Competition Appeal Tribunal

Made: 19 January 2024
Drawn: 19 January 2024