



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1362/5/7/20 (T)

BETWEEN:

- (1) ABF GRAIN PRODUCTS LIMITED**
- (2) AB AGRI LIMITED**
- (3) FRONTIER AGRICULTURE LIMITED**
- (4) ALLIED BAKERIES LIMITED**
- (5) ABNA FEED COMPANY LIMITED**

Claimants

- 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~~**
- (7) CNH INDUSTRIAL N.V.**
- (8) STELLANTIS N.V.**
- (9) IVECO S.P.A**
- (10) IVECO MAGIRUS AG**
- (11) IVECO LIMITED**
- (12) AB VOLVO (PUBL)**
- (13) VOLVO LASTVAGNAR AB**
- (14) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH**
- (15) RENAULT TRUCKS SAS**
- (16) VOLVO GROUP UK LIMITED**

Defendants

CONSENT ORDER

UPON the Claimants and the Twelfth to Sixteenth Defendants no longer being in dispute with each other regarding the subject matter of these Proceedings (the "**Resolution**");

AND UPON the Claimants and the Twelfth to Sixteenth Defendants having agreed to the terms of this Order

AND UPON the parties to this Order recognising the guidance of the Tribunal in the Tribunal's Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

- (1) The effect of the settlement is that the Claimants (the "**Settling Claimants**") cease to have a claim against the Twelfth to Sixteenth Defendants (the "**Settling Defendants**"). To the extent that the Tribunal has any costs jurisdiction over the Settling Claimants and/or the Settling Defendants (as to which this order says nothing), a costs order against one of them in favour of the other may not be a just exercise of the Tribunal's costs discretion.
- (2) Whilst the Settling Defendants (if still parties to the Second Wave Proceedings) would be entitled, as appropriate, to seek costs orders against those claimants in the Second Wave Proceedings who have not settled ("**Non-Settling Claimants**"), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the Settling Claimants.
- (3) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Defendants (if still parties to the Second Wave Proceedings) against Non-Settling Claimants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Claimants.
- (4) Whilst the Settling Claimants (if still a party to the Second Wave Proceedings) would be entitled, as appropriate, to seek costs orders against those defendants in the Second Wave Proceedings who have not settled ("**Non-Settling Defendants**"), the Tribunal will be reluctant to order such Non-Settling Defendants to pay costs that are attributable to the Settling Defendants.
- (5) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Claimants (if still a party to the Second Wave Proceedings) against Non-Settling Defendants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Defendants.

BY CONSENT IT IS ORDERED THAT:

1. The proceedings against the Twelfth to Sixteenth Defendants be dismissed.
2. The proceedings against the Seventh to Eleventh Defendants shall continue.
3. There shall be no order as to costs.
4. This Order shall be served by the Claimants on the Seventh to Sixteenth Defendants.

The Honourable Lord Ericht
Chair of the Competition Appeal Tribunal

Made: 26 July 2024
Drawn: 26 July 2024