



**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 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

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**CONSENT ORDER**

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**UPON** the parties having consented to the terms of the Order set out below

**BY CONSENT IT IS ORDERED THAT:**

**Royal Mail**

1. By no later than 26 April 2019 the Claimant and the Defendants shall each disclose by list, in respect of any Trucks weighing 6 tonnes or above purchased during the Relevant Period (as defined at §3 of the Claimant's Particulars of Claim) under any of the contracts listed in Appendix A to the Claimant's Re-Amended Particulars of Claim:

Communications within DAF

- 1.1 In respect of the Defendants only, any communications between or within any of the Defendants, or between the DAF Defendants and another member of DAF's corporate group, relating to, and any documents recording, any of (a) to (d) below:
  - (a) sales price approvals (including communications regarding the pricing parameters for proposed sales to the Claimant and seeking approval for a sale to the Claimant at a particular price);
  - (b) intentions in relation to sales prices;
  - (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
  - (d) the calculation of proposed sales prices, sales prices negotiated and/or agreed, or previously or actually charged.

Communications between DAF and Royal Mail

- 1.2 Any communications between the Claimant (in respect of itself and The Post Office Corporation) and the Defendants in respect of the negotiations between them of the price of Trucks, including in relation to any of (a) to (d) below;
  - (a) sales or purchase price approvals (including communications regarding the pricing parameters for proposed sales to the Claimant and seeking approval for a sale to the Claimant at a particular price, and pricing parameters for proposed purchases from the Defendants and seeking approval for a purchase from the Defendants at a particular price);
  - (b) intentions in relation to sales or purchase prices;
  - (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
  - (d) the calculation of proposed sales or purchase prices, sales or purchase prices negotiated and/or agreed, or previously or actually charged.

### Communications within Royal Mail

- 1.3 In respect of the Claimant only, any communications within the Claimant and/or The Post Office Corporation relating to, and any documents recording, any of (a) to (d) below:
- (a) purchase price approvals (including communications regarding the pricing parameters for proposed purchases from the Defendants and seeking approval for a purchase from the Defendants at a particular price);
  - (b) intentions in relation to purchase prices;
  - (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
  - (d) the calculation of proposed purchase prices, purchase prices negotiated and/or agreed, or previously or actually charged.

### **BT**

- 2 By no later than 26 April 2019 the Claimants and the Defendants shall each disclose by list, in respect of any Trucks weighing 6 tonnes or above purchased during the Relevant Period (as defined at §5 of the Claimants' Particulars of Claim):

### Communications within DAF

- 2.1 In respect of the Defendants only, any communications between or within any of the Defendants, or between the DAF Defendants and another member of DAF's corporate group, relating to, and any documents recording, any of (a) to (d) below:
- (a) sales price approvals (including communications regarding the pricing parameters for proposed sales to the Claimants and seeking approval for a sale to the Claimants at a particular price);
  - (b) intentions in relation to sales prices;
  - (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
  - (d) the calculation of proposed sales prices, sales prices negotiated and/or agreed, or previously or actually charged.

### Communications between DAF and BT

- 2.2 Any communications between the Claimants and the Defendants in respect of the negotiations between them of the price of Trucks, including in relation to any of (a) to (d) below;

- (a) sales or purchase price approvals (including communications regarding the pricing parameters for proposed sales to the Claimants and seeking approval for a sale to the Claimants at a particular price, and pricing parameters for proposed purchases from the Defendants and seeking approval for a purchase from the Defendants at a particular price);
- (b) intentions in relation to sales or purchase prices;
- (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
- (d) the calculation of proposed sales or purchase prices, sales or purchase prices negotiated and/or agreed, or previously or actually charged.

#### Communications within BT

2.3 In respect of the Claimants only, any communications within the Claimants relating to, and any documents recording, any of (a) to (d) below:

- (a) purchase price approvals (including communications regarding the pricing parameters for proposed purchases from the Defendants and seeking approval for a purchase from the Defendants at a particular price);
- (b) intentions in relation to purchase prices;
- (c) elements considered when determining and/or negotiating prices (including list prices, other price lists, costs of new technology/features (including Euro 3 to 6 standards), warranties, repair and maintenance provisions, buyback options); and
- (d) the calculation of proposed purchase prices, purchase prices negotiated and/or agreed, or previously or actually charged.

3. The costs of the making of this Order shall be in the case.

4. There be liberty to apply.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 15 January 2019  
Drawn: 16 January 2019