



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1291/5/7/18 (T)

BETWEEN:

- (1) RYDER LIMITED**
(2) HILL HIRE LIMITED

Claimants

- and -

- (1) MAN SE**
(2) MAN TRUCK & BUS AG
(3) MAN TRUCK & BUS DEUTSCHLAND GMBH
(4) MAN TRUCK AND BUS UK LIMITED
(5) AB VOLVO (PUBL)
(6) VOLVO LASTVAGNAR AB
(7) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(8) VOLVO GROUP UK LIMITED
(9) RENAULT TRUCKS SAS
(10) DAIMLER AG
(11) MERCEDES BENZ CARS UK LIMITED
(12) FIAT CHRYSLER AUTOMOBILES N.V.
(13) CNH INDUSTRIAL N.V.
(14) IVECO S.P.A.
(15) IVECO MAGIRUS AG
(16) IVECO LIMITED
(17) PACCAR INC.
(18) DAF TRUCKS N.V.
(19) DAF TRUCKS DEUTSCHLAND GMBH
(20) DAF TRUCKS LIMITED

Defendants

CONSENT ORDER

UPON the Claimants and the Fifth to Ninth Defendants having agreed the terms of the Order set out below

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

"Defendant Disclosure Categories" means the Volvo/Renault categories set out in Annex 3 to the Disclosure Order, under the heading "Volvo/Renault";

"Disclosure Order" means the Order of Hodge Malek QC of 26 November 2019; and

"Volvo/Renault" means the Fifth to Ninth Defendants.

BY CONSENT IT IS ORDERED THAT:

1. By no later than 28 February 2020, in respect of Renault Trucks in the UK, Volvo/Renault shall disclose the extract of pre-existing data in respect of 16 variables from its GCSV database, which has been provided to Frontier Economics, for the period 1 January 1997 to 31 December 2009 (inclusive).
2. By no later than 28 February 2020, Volvo/Renault shall file and serve a statement setting out:
 - (a) an update on whether any other data for the period 1 January 1997 to 31 December 2009 that is responsive to one or more of the Defendant Disclosure Categories in respect of Renault Trucks in the UK is contained in its GCSV database; and
 - (b) the date by which Volvo/Renault will use its best endeavours to provide disclosure of such further data.
3. By no later than 10 April 2020, Volvo/Renault shall file and serve a statement setting out the extent to which each of its BNA, TDS and BIS databases contain information that is responsive to one or more of the Defendant Disclosure Categories in respect of Volvo Trucks in the UK for the period 1 January 1997 to 31 December 2002.
4. By no later than 22 May 2020, Volvo/Renault shall disclose by list, pre-existing data from its BNA, TDS and BIS databases that may be responsive to one or more of the Defendant Disclosure Categories in respect of Volvo Trucks in the UK for the period 1 January 1997 to 31 December 2002.
5. If one or more the sources of data disclosable by Volvo/Renault pursuant to paragraphs 1 to 4 hold responsive data for the same particular disclosure category in respect of the same particular Truck, Volvo/Renault shall be permitted to limit its disclosure, pursuant to paragraphs 1 to 4, for that particular

category to the data that is the best available data in respect of that category, provided that Volvo/Renault shall also provide a written explanation of the reasons why it has made that determination. As part of that written explanation, Volvo/Renault shall also state what data it is withholding from disclosure, pursuant to paragraphs 1 to 4, and the reasons why that data is not considered to be the best available data in respect of that particular disclosure category.

Costs

6. Costs in the case.

Other

7. Liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 12 February 2020
Drawn: 12 February 2020