



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1295/5/7/18 (T)

BETWEEN

- (1) DAWSONGROUP PLC
(2) DAWSONGROUP UK LIMITED
(3) DAWSONGROUP TRUCK AND TRAILER LIMITED
(4) DAWSONGROUP MATERIAL HANDLING LIMITED
(5) DAWSONGROUP SWEEPERS LIMITED

Claimants

-and-

- (1) DAF TRUCKS N.V.
(2) DAF TRUCKS DEUTSCHLAND GMBH
(3) PACCAR INC
(4) DAF TRUCKS LIMITED
(5) DAIMLER AG
(6) MERCEDES-BENZ CARS UK LIMITED
(7) AKTIEBOLAGET VOLVO (PUBL)
(8) VOLVO LASTVAGNAR AB
(9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(10) RENAULT TRUCKS SAS
(11) VOLVO GROUP UK LIMITED

Defendants

CONSENT ORDER

UPON the Claimants and the Seventh to Eleventh Defendants having agreed the terms of the Order set out below

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

- “**Defendant Disclosure Categories**” means the Volvo/Renault categories set out in Annex 1 to the Disclosure Order, under the heading “Defendant disclosure”
- “**Disclosure Order**” means the Order of Hodge Malek QC drawn on 25 October 2019

- “Volvo/Renault” means the Seventh to Eleventh 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: 6 February 2020
Drawn: 7 February 2020