



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1355/5/7/20 (T)

BETWEEN:

- (1) HERTZ AUTOVERMIETUNG GMBH
- (2) HERTZ FLEET LIMITED
- (3) HERTZ HOLDINGS NETHERLANDS B.V.
- (4) THE HERTZ CORPORATION

Claimants

- and -

- (1) FIAT CHRYSLER AUTOMOBILES N.V.
- (2) CNH INDUSTRIAL N.V.
- (3) IVECO S.P.A.
- (4) IVECO MAGIRUS AG
- (5) MAN SE
- (6) MAN TRUCK & BUS SE
- (7) MAN TRUCK & BUS DEUTSCHLAND GMBH
- (8) AKTIEBOLAGET VOLVO
- (9) VOLVO LASTVAGNAR AKTIEBOLAG
- (10) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (11) RENAULT TRUCKS SAS
- (12) DAF TRUCKS N.V.
- (13) DAF TRUCKS DEUTSCHLAND GMBH
- (14) DAIMLER AG

Defendants

CONSENT ORDER

UPON certain of the trucks which are the subject of the claims by the Claimants in these proceedings (including those listed in the schedules to this order) also being the subject of separate pre-existing claims by parties other than the Claimants in proceedings in jurisdictions other than England and Wales

AND UPON there existing a real risk of irreconcilable judgments resulting from separate proceedings concerning the same trucks

AND UPON Article 30 of Regulation (EU) 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) providing a mechanism for minimising the possibility of irreconcilable judgments being given in different Member States

AND UPON the applications of the Fifth to Seventh Defendants, the Eighth to Eleventh Defendants, and the Twelfth to Thirteenth Defendants, each by separate application notice in the High Court dated 2 March 2020

AND UPON the Claimants and the Defendants having agreed to an order in the terms below

IT IS ORDERED BY CONSENT THAT:

1. The claims of the Claimants in these proceedings relating to the trucks listed in the schedules to this order shall be stayed.
2. The stay ordered at paragraph 1 in relation to any truck listed in the schedules to this order shall expire 1 month after the final determination of the claim, including any appeals, of which the relevant truck is the subject as set out in the schedules to this order, or the settlement or discontinuance thereof.
3. The parties have liberty to apply, including to add or remove trucks from the schedules to this order.
4. Costs in the case.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 16 July 2020
Drawn: 17 July 2020

Schedule 1
Overlapping Trucks – MAN Defendants

No.	Vehicle Identification Number (VIN)	Member State (Court)	Claim	Date first seised
1.	WMAH05ZZ34M386951	Germany (Regional Court Munich I)	DB Competition Claims GmbH (37 O 18602/17)	19 January 2018
2.	WMAH05ZZX4M386817	Germany (Regional Court Frankfurt)	ALBIS HiTec Leasing GmbH (2-06 O 235/18)	06 August 2018
3.	WMAH06ZZ75M401314	Germany (Regional Court Frankfurt)	ALBIS HiTec Leasing GmbH (2-06 O 235/18)	06 August 2018
4.	WMAH06ZZ85M416016	Germany (Regional Court Frankfurt)	ALBIS HiTec Leasing GmbH (2-06 O 235/18)	06 August 2018
5.	WMAL20ZZZYY059553	Germany (Regional Court Frankfurt)	ALBIS HiTec Leasing GmbH (2-06 O 235/18)	06 August 2018
6.	WMAH06ZZ05M401302	Germany (Regional Court Munich I)	Financialright Claims GmbH (37 O 18934/17)	31 January 2018
7.	WMAH06ZZ37M480564	Germany (Regional Court Munich I)	Financialright Claims GmbH (37 O 18934/17)	31 January 2018

8.	WMAH06ZZ47M480413	Germany (Regional Court Munich I)	Financialright Claims GmbH (37 O 18934/17)	31 January 2018
9.	WMAH06ZZ85M400737	Germany (Regional Court Munich I)	Financialright Claims GmbH (37 O 18934/17)	31 January 2018
10.	WMAH06ZZ15M400885	Germany (Regional Court Cologne)	Remondis SE & Co. KG (31 O 413/17)	16 January 2018
11.	WMAL73ZZZ3Y116460	Germany (Regional Court Cologne)	Remondis SE & Co. KG (31 O 413/17)	16 January 2018
12.	WMAL73ZZZ3Y116481	Germany (Regional Court Cologne)	Remondis SE & Co. KG (31 O 413/17)	16 January 2018
13.	WMAL88ZZZ3Y114918	Germany (Regional Court Cologne)	Remondis SE & Co. KG (31 O 413/17)	16 January 2018
14.	WMAH21ZZ55M398328	Germany (Regional Court Munich I)	Bruno Schmidt Spedition GmbH & Co. KG (A. Messing Transporte) (37 O 13273/18)	21 November 2018
15.	WMAL20ZZ45Y146406	Germany (Regional Court Munich I)	Stadt Nürnberg (37 O 15184/18)	19 November 2018

Schedule 2
Overlapping Trucks – DAF Defendants

No.	Vehicle Identification Number (VIN)	Member State (Court)	Claim	Date first seised
1.	XLRTE47MS0E755486	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
2.	XLRTE47MS0E756881	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
3.	XLRTE47MS0E755094	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
4.	XLRTE47MS0E755656	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
5.	XLRTE47MS0E755645	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
6.	XLRTE47MS0E755962	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
7.	XLRTE47MS0E754097	The Netherlands (Amsterdam)	STCC (C/13/659995) III	13 December 2018
8.	XLRTE47MS0E771704	The Netherlands (Amsterdam)	Chapelton (C/13/640200)	13 November 2017
9.	XLRTE47MS0E771827	The Netherlands (Amsterdam)	Chapelton (C/13/640200)	13 November 2017

10.	XLRTE47MS0E772062	The Netherlands (Amsterdam)	Chapelton (C/13/640200)	13 November 2017
11.	XLRTE47MS0E772395	The Netherlands (Amsterdam)	Chapelton (C/13/640200)	13 November 2017
12.	XLRTE47XS0E675950	Germany (Frankfurt)	ALBIS Mobil (2-06 O 235/18)	27 August 2018
13.	XLRTE47XS0E676471	Germany (Munich)	Financialright II (37 O 17704/18)	28 January 2019
14.	XLRTE47MS0E739380	The Netherlands (Amsterdam)	NLtruckkartel (SME) (C/13/679013)	18 July 2019
15.	XLRTE47MS0E756725	The Netherlands (Amsterdam)	Stichting Antitrust Action Truck Cartel (C/13/672474)	13 June 2019
16.	XLRTE47MS0E764912	Spain (A Coruña)	Seoane Devesa S.L. et al (0000172/2019)	04 June 2019
17.	XLRTE47MS0E789006	Germany (Munich)	Financialright I (37 O 18934/17)	21 December 2017

Schedule 3
Overlapping Trucks – Daimler Defendants

No.	Vehicle Identification Number (VIN)	Member State (Court)	Claim	Date first seised
1.	WDB9700151K912867	Germany (Stuttgart)	Sweetwater Invest GmbH	21 February 2019
2.	WDB9700151K914243	Germany (Stuttgart)	Heinrich Schmidt GmbH & Co.	28 December 2017
3.	WDB9700151L198140	Germany (Stuttgart)	Team AG	23 January 2017
4.	WDB9700151L202223	Germany (Stuttgart)	Autovermietung Detlef Moll GmbH & Co.	29 December 2017
5.	WDB9700151L211384	Germany (Stuttgart)	Team AG	23 January 2017
6.	WDB9700151L220168	Germany (Frankfurt)	ALBIS Mobil (2-06 O 235/18)	2 August 2018
7.	WDB9700151L320671	Germany (Stuttgart)	BÄKO Zentrale Nord	22 December 2017
8.	WDB9702571L247215	Germany (Regional Court Munich I)	DB Competition Claims GmbH (37 O 18602/17)	22 January 2018
9.	WDB9702571L255245	Germany (Regional Court Munich I)	DB Competition Claims GmbH (37 O 18602/17)	22 January 2018

Schedule 4
Overlapping Trucks – Iveco Defendants

No.	Vehicle Identification Number (VIN)	Member State (Court)	Claim	Date first seised
1.	WJMM1VSK004285621	Germany (Regional Court Stuttgart)	ATR Beteiligungsgesellschaft (46 O 12/17)	27 December 2017
2.	WJMM1VTH404335023	Germany (Regional Court Munich I)	A. Messing Transporte (37 O 13273/18)	21 September 2018
3.	ZCFA1EJ0302517289	Germany (Regional Court Munich I)	1A-Pflanzenölvertrieb (37 O 18897/18)	01 February 2019
4.	ZCFA75D0302504203	Germany (Regional Court Stuttgart)	Meinhardt Städtereinigung GmbH (30 O 230/19)	30 July 2019
5.	ZCFA75D0302506428	Germany (Regional Court Cologne)	Remondis (31 O 413/17)	16 January 2018