



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 SE
(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 First to Fourth Defendants having agreed the terms of the Order as set out below

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

“Disclosure Statement” has the meaning given to it by CPR Rule 31.10(6)(7) and (9);

“MAN” means the 1st to 4th Defendants;

“Truck” means as defined at paragraph 5 of the Decision of the European Commission in Case AT.39824 – Trucks dated 19 July 2016

BY CONSENT IT IS ORDERED THAT:

1. MAN shall disclose by list the documents responsive to and in accordance with the category (management accounts) specified in the Annex to this Order by 5pm on 16 October 2020.
2. The documents to be disclosed and made available for inspection pursuant to paragraph 1 above:
 - (a) may be confined to the best available evidence about the information which is the subject matter of the category identified in the Annex to this Order. The party disclosing documents pursuant to this provision should explain why the evidence it is providing is the “best available evidence” and why further disclosure is not proportionate; and
 - (b) if contained in the form of an electronic database, or extract therefrom, should be provided in their native electronic format or electronic excel format, together with a statement on how the relevant information has been compiled from the database(s) and, if appropriate, guidance on how it is to be examined.
3. Where the category set out in the Annex provides for a sample of relevant documents and/or Data to be provided, the basis on which such a sampling approach has been adopted, and an explanation as to why this is reasonable and proportionate in the circumstances, shall be set out in the Disclosure Statement to be provided pursuant to paragraph 6 of this Order.
4. In the event that the disclosure referred to in paragraph 1 above is considered by the party concerned to be unreasonable and/or disproportionate, that party may, in the alternative to giving disclosure, directly provide information on the

matters specified, at the same time that it gives disclosure. Where information is provided in lieu of disclosure it shall be verified by a statement of truth and supported by a description of the sources from which the information concerned has been compiled and an explanation as to why the disclosure of the underlying documents is unreasonable and/or disproportionate.

Disclosure into the Confidentiality Ring

5. The parties may choose to disclose documents or information into the Confidentiality Ring in accordance with the Confidentiality Ring Order.

Disclosure Statements

6. The party's disclosure by list given pursuant to paragraph 1 above shall be accompanied by a Disclosure Statement by an appropriate person which shall:
 - (a) set out the extent of the search that has been made in order to locate the documents ordered to be disclosed,
 - (b) specify the manner in which the search has been limited on reasonableness and proportionality grounds and why, and
 - (c) certify to the best of their knowledge and belief that the disclosure ordered has been provided.

Inspection and provision of copies

7. Subject to the provisions of the Confidentiality Ring Order, parts 31.3 and 31.15 of the Civil Procedure Rules apply in relation to the inspection of documents.

Costs

8. Costs in the case.