



**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

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**CONSENT ORDER**

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**UPON** the Claimants and the First to Fourth Defendants (the "**MAN Defendants**")  
having consented to the terms of the Order set out below.

**BY CONSENT IT IS ORDERED THAT:**

By no later than 30 April 2021, the Claimants and the Fourth Defendant (“MTBUK”) shall each disclose, by list, in respect of any Trucks weighing 6 tonnes or above manufactured by MAN and purchased (or sought to be purchased) by the Claimants, documents held in the United Kingdom from between 1 January 1997 and 18 January 2011 of the following description:

**Communications within MTBUK or between MTBUK and another member of MAN’s corporate group**

1. In respect of the MAN Defendants only, any communications within MTBUK, or between MTBUK and another member of MAN's corporate group, in respect of sales of Trucks to the Claimants, relating to, and any documents recording, any of (a) to (e) 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) sales price approvals (including communications regarding the pricing parameters for proposed sales to dealerships and seeking approval for a sale to a dealership at a particular price);
  - (c) intentions in relation to sales prices to be proposed to the Claimants;
  - (d) elements considered when determining and/or negotiating prices with the Claimants (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 the receipt of competing offers by the Claimants; and
  - (e) the calculation of proposed sales prices, sales prices negotiated and/or agreed, or previously or actually charged in respect of sales to the Claimants.

## **Communications between MTBUK and the Claimants**

2. Any communications between MTBUK and the Claimants 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 MTBUK and seeking approval for a purchase from MTBUK at a particular price);
  - (b) intentions in relation to sales or purchase prices (as between MTBUK and the Claimants);
  - (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 the receipt of competing offers by the Claimants); and
  - (d) the calculation of proposed sales or purchase prices, sales or purchase prices negotiated and/or agreed, or previously or actually charged in respect of sales to/purchases by the Claimants.

## **Communications with the Claimants**

3. In respect of the Claimants only, any communications within the Claimants in respect of sales of Trucks to the Claimants, relating to, and any documents recording, 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 DAF Defendants and seeking approval for a purchase from the DAF 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/or complementary products and services (including bodies whether or not manufactured by DAF)); and
- (d) the calculation of proposed sales or purchase prices, sales or purchase prices negotiated and/or agreed, or previously or actually charged.

**Procurement disclosure**

4. By no later than 30 April 2021, the Claimants shall disclose by list:

#	Claimants' disclosure
Scope	<i>All Trucks procured in the UK from January 1997 to September 2017 (inclusive).</i>
Proc1	Policies used by the Claimants in the process of procuring Trucks.
Proc2	NOT USED
Proc3	NOT USED
Proc4	Documents providing the best available evidence of the selection criteria and reasons for selecting a particular Defendant manufacturer's Truck following a procurement process, including but not limited to:  (a) evidence of the Claimants' internal consideration/evaluation of prices/terms upon which Trucks should be purchased including details of any bundled purchases;

	<p>(b) evidence of the Claimants’ consideration of and decisions as to whether to purchase a Truck compliant with a new Euro standard before the mandated date; and</p> <p>(c) evidence of consideration of alternative suppliers (including, without limitation, evidence of how the Claimants viewed the UK market for Trucks and the implications of this for the Claimants’ approach to negotiations with different suppliers).</p>
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**Disclosure Statement**

5. The Claimants’ and MAN Defendants’ disclosure pursuant to this order 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 data 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 his knowledge and belief that the disclosure ordered has been provided.

**Costs**

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

**Hodge Malek QC**  
Chairman of the Competition Appeal Tribunal

Made: 6 November 2020  
Drawn: 6 November 2020