



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) STELLANTIS N.V. (FORMERLY 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 set out below

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

- **“Decision”** means the Commission Settlement Decision dated 19 July 2016 in Case AT.39824 – Trucks;
- **“MAN”** means the First to Fourth Defendants;
- **“MTBSE”** means the Second Defendant;
- **“MTBUK”** means the Fourth Defendant;
- **“MAN Pricing Statement”** means MAN's pricing statement dated 27 December 2019;
- **“Re-Re-Amended Confidentiality Ring Order”** means the Order of Mr Justice Roth made on 4 December 2020; and
- **“Truck”** has the meaning given to it in the Decision.

BY CONSENT IT IS ORDERED THAT:

1. MAN shall disclose, by no later than 30 July 2021, in respect of (A), (B) and (C) detailed at sub-paragraph (a) below, for the period 1 January 1994 to 30 September 2017 (inclusive) and, in respect of (D) detailed at sub-paragraph (a) below, for the period 1 January 2002 to 31 December 2005 (inclusive), the following documents identified by a reasonable and proportionate search:
 - (a) To the extent that such documents address (A) factors relevant to the setting of gross list prices and/or net prices for new Trucks sold by MAN on the UK market; and/or (B) the relationship between gross list price and/or order volume and net prices (including any *ex post* assessment of the same) in respect of new Trucks sold by MAN on the UK market; and/or (C) the impact of the costs of implementing Euro emissions standards technology advancements on the setting of gross list prices and/or net prices of new Trucks sold by MAN on the UK market; and/or (D) the impact of the introduction of MTBUK's wholly-owned dealer model in the UK on the

setting of gross list prices and/or net prices for Trucks sold by MAN on the UK market (including any *ex post* assessment of the same):

- (i) minutes of, and papers for, meetings of the management board of MTBSE;
 - (ii) minutes of, and papers for, meetings of the MTBSE committees detailed at paragraphs 7.4(A) and 7.4(C) of the MAN Pricing Statement;
 - (iii) minutes of, and papers for, meetings of the MTBUK board; and
 - (iv) minutes of, and papers for, meetings of MTBUK committees.
- (b) For the period 1 January 1994 to 30 September 2017 (inclusive), any routine reporting (e.g. annual, quarterly or monthly), including presentations, briefing papers and/or memoranda, including associated analyses, explanations and commentary produced by MTBUK for senior management of MTBSE reporting on MTBUK's costs, prices, market shares, forecasts, Truck profitability in the UK market, or setting any future strategy or business plan.
- (c) Details of MAN's customers in the UK which were fleet customers in the period 1 January 1994 to the establishment of MAN's IKA department in 2005.
- (d) Details of MAN's customers in the UK which were either National Key Accounts or International Key Accounts in the period from the establishment of MAN's IKA department in 2005 to 31 December 2006.

Disclosure into the Confidentiality Ring

2. MAN may choose to make disclosure into the Confidentiality Ring in accordance with the Re-Re-Amended Confidentiality Ring Order.

Disclosure Statement

3. MAN's disclosure given pursuant to paragraph 1 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 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 of documents and provision of copies

4. Requests for inspection of documents disclosed pursuant to paragraph 1 above shall be made within 7 days after service of the lists. Copies of documents requested to be inspected shall be provided within 7 days of making the request.

Extension of time limits

5. The parties may agree to extend any time period in this Order for a period or periods of up to 28 days in total without reference to the Tribunal, provided that this does not affect the date given for any case or costs management conference or any other court hearing or pre-trial review or the date of the trial. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

Costs

6. Costs in the case.

Other

7. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 22 April 2021
Drawn: 22 April 2021