



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 10th and 11th Defendants having agreed the terms of the Order set out below

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

- **“Daimler” means the 10th and 11th Defendants;**
- **“Decision”** means the Commission Settlement Decision dated 19 July 2016 in Case AT.39824 – Trucks;
- **“MBUK”** means the 11th Defendant;
- **“Relevant Period”** means 1 January 1997 to 30 September 2017 (inclusive);
- **“Re-Re-Amended Confidentiality Ring Order”** means the Order of Mr Justice Roth made on 4 December 2020;
- **“Truck”** has the meaning given to it in the Decision.

BY CONSENT IT IS ORDERED THAT:

1. Daimler shall disclose, by no later than 30 July 2021, the following documents identified by reasonable and proportionate searches:
 - a. **"O5"**: for the period 1 January 1997 to 31 December 2017, any routine reporting (e.g. annual, quarterly or monthly) including presentations, briefing papers and/or memoranda, including associated analyses, explanations and commentary produced by MBUK for senior management of Daimler AG reporting on MBUK's costs, prices, market shares, forecasts, Truck profitability in the UK market; or setting any future strategy or business plan;
 - b. **"MBUK market share data"**: market share data used by MBUK to assess UK market shares during the Relevant Period;
 - c. **"O6"**: any internal documents including reports, presentations, briefing papers and/or memoranda including associated analyses, explanations and commentary prepared or received by Daimler AG during the Relevant Period relating to the relationship between list prices and/or transaction prices and/or net revenues and/or order volumes;
 - d. **"PS2"**: market share target data used by MBUK and/or Daimler AG to assess MBUK's performance against targets set by Daimler AG during the Relevant Period;

- e. **"PS3"**: any documents prepared for MBUK senior management or Daimler AG between 2002 and 2010 planning or assessing the impact of the introduction of the European List Price (ELP) in the UK.

Disclosure into the Confidentiality Ring

2. Daimler may choose to disclose documents into the Confidentiality Ring in accordance with the Re-Re-Amended Confidentiality Ring Order.

Disclosure Statement

3. Daimler's disclosure given pursuant to paragraph 1 of this Order shall be accompanied by a disclosure statement made by an appropriate person which shall (a) set out the extent of the searches that have been made in order to locate the documents to be disclosed, (b) specify the manner in which the searches have 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 this Order 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 such requests.

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 35 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: 28 May 2021
Drawn: 28 May 2021