



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1284/5/7/18 (T)
1290/5/7/18 (T)
1295/5/7/18 (T)

BETWEEN

ROYAL MAIL GROUP LIMITED

(“Royal Mail”)
Claimant

-and-

- (1) DAF TRUCKS LIMITED**
- (2) DAF TRUCKS N.V.**
- (3) DAF TRUCKS DEUTSCHLAND GMBH**
- (4) PACCAR INC**
- (5) PACCAR FINANCIAL PLC**
- (6) LEYLAND TRUCKS LIMITED**

Defendants

AND BETWEEN

- (1) BT GROUP PLC**
- (2) BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY**
- (3) BT FLEET LIMITED**

(“BT”)
Claimants

-and-

- (1) DAF TRUCKS LIMITED**
- (2) DAF TRUCKS N.V.**
- (3) DAF TRUCKS DEUTSCHLAND GMBH**
- (4) PACCAR INC**

Defendants

AND BETWEEN

- (1) DAWSONGROUP PLC**
- (2) DAWSONGROUP UK LIMITED**
- (3) DAWSONGROUP TRUCK AND TRAILER LIMITED**
- (4) DAWSONGROUP MATERIAL HANDLING LIMITED**
- (5) DAWSONGROUP SWEEPERS LIMITED**

(“Dawsongroup”)
Claimants

- and -

- (1) DAF TRUCKS N.V.
(2) DAF TRUCKS DEUTSCHLAND GMBH
(3) PACCAR INC.
(4) DAF TRUCKS LIMITED
(5) DAIMLER AG
(6) MERCEDES-BENZ CARS UK LIMITED
(7) AKTIEBOLAGET VOLVO (PUBL)
(8) VOLVO LASTVAGNAR AB
(9) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
(10) RENAULT TRUCKS SAS
(11) VOLVO GROUP UK LIMITED

Defendants

CONSENT ORDER

UPON the Claimants' application for disclosure dated 21 July 2021

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

“**DAF**” means the Defendants in cases 1284/5/7/18 (T) and 1290/5/7/18 (T), and the first to fourth defendants in case 1295/5/7/18 (T)

The “**BT Proceedings**” means the proceedings bearing case number 1290/5/7/18 (T)

The “**Dawsongroup Proceedings**” means the proceedings bearing case number 1295/5/7/18 (T)

The “**Royal Mail Proceedings**” means the proceedings bearing case number 1284/5/7/18 (T)

The “**Proceedings**” means each of the BT Proceedings, the Dawsongroup Proceedings and the Royal Mail Proceedings

“**Truck**” has the meaning given in paragraph 3 of Royal Mail's Particulars of Claim / paragraph 1 of BT's Particulars of Claim / paragraph 1 of Dawsongroup's Particulars of Claim

BY CONSENT IT IS ORDERED THAT:

1. DAF shall make enquiries, or otherwise confirm that it has already made such enquiries, with relevant individuals within its business, which shall include its factual witness on costs, Mr Habets, the individuals in the Management and Cost Accounting

Department of Trucks N.V. that were consulted in respect of category O6, and the former Financial Controller of DAF Trucks N.V., as to whether they are aware of other Truck cost information pertaining to Trucks sold in the UK during the Relevant Period but which does not contain all three of the constituent elements of MLO (being “materials”, “labour” and “overheads”), other than any such information that has already been disclosed in the proceedings. The reference to “Truck cost information” in this paragraph should be read as a reference to the variable or semi-variable costs that DAF incurred (or expected to incur) in the period from 1 January 1994 to 30 September 2017 pertaining to the manufacture of trucks weighing 6 tonnes and above, which are held at the truck level of aggregation (i.e. on a per truck sold basis) but also any such costs that are held at a higher level of aggregation (e.g. by truck model or truck family) (“**Variable Truck Cost Information**”).

2. By no later than 23 August 2021, DAF shall provide a statement, verified by a statement of truth, setting out details of the searches or enquiries it has conducted, including enquiries with the individuals listed in paragraph 1 above, in order to determine whether it holds any Variable Truck Cost Information, other than any such information already disclosed in the Proceedings. This statement shall record whether any of the individuals referred to paragraph 1 above are aware of any Variable Truck Cost Information that has not been disclosed in any of the Proceedings and shall also record any limits that DAF has placed on its searches or enquiries and why DAF considers such limits to be reasonable and proportionate.
3. To the extent that DAF becomes aware of any Variable Truck Cost Information, in the course of carrying out its searches and enquiries pursuant to this Order, the statement to be provided pursuant to paragraph 2 shall include a clear explanation of any available sources of Variable Truck Cost information identified and the type of Variable Truck Cost Information recorded in those sources. DAF shall set out in the explanation what documents, data and information it would be prepared to search for and disclose (and by when), what it would not be prepared to do and the reasons why.

Costs

4. Costs in the case.

Other

5. Liberty to apply.

Hodge Malek QC
President of the Competition Appeal Tribunal

Made: 27 July 2021
Drawn: 27 July 2021