



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1293/5/7/18 (T)

Case: 1292/5/7/18 (T)

Case: 1294/5/7/18 (T)

(1) – (139) VEOLIA ENVIRONNEMENT S.A. AND OTHERS

Claimants

-v-

**(1) – (15) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES
N.V) AND OTHERS**

Defendants

-and-

(1) - (4) PACCAR INC. AND OTHERS

Third Parties

AND

(1) – (339) SUEZ GROUPE SAS AND OTHERS

Claimants

-v-

**(1) – (4) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES
N.V)AND OTHERS**

Defendants

-and-

(1) - (15) IVECO S.P.A. AND OTHERS

Third Parties

AND

(1) – (153) WOLSELEY UK LIMITED AND OTHERS

Claimants

-v-

**(1) - (4) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES
N.V) AND OTHERS**

Defendants

-and-

(1) - (15) MAN SE AND OTHERS

Third Parties

CONSENT ORDER

UPON the Order made by Mr Malek QC in these proceedings on 18 December 2020 (as amended by agreement between the Parties), in particular paragraph 4 thereof which directed the Parties to file and serve a Redfern Schedule in respect of the UK market containing each party's position in relation to any disputed disclosure requests along with a list of categories which are agreed between the Parties

AND UPON the Parties' agreement to similarly engage in a Redfern Schedule process in respect of the French and German market

AND UPON the Claimants serving their final Redfern Schedules in respect of the UK, French and German markets, containing both agreed and disputed categories of disclosure requests, on the Defendants on 16 April 2021 (UK) and 3 September 2021 (France and Germany) respectively (the *UK Redfern Schedule*, the *French Redfern Schedule* and the *German Redfern Schedule* respectively, together the *Redfern Schedules*)

AND UPON the following definitions applying for the purpose of this Order and the accompanying Annex:

- **“Claimants”** means the Claimants in the claims bearing case numbers 1293/5/7/18(T), 1292/5/7/18 and 1294/7/18(T);
- **“Confidentiality Ring Order”** means the Re-Re-Amended Confidentiality Ring Order of the Hon Mr Justice Roth made 18 December 2020;
- **“MAN”** means the 5th to 8th Defendants in Case 1293/5/7/18 (T), the 3rd to 5th Third Parties in Case 1292/5/7/18 (T) and the 1st to 3rd Third Parties in Case 1294/5/7/18 (T).
- **“MTBSE”** means the 6th Defendant in Case 1293/5/7/18 (T), the 4th Party in Case 1292/5/7/18 (T) and the 2nd Party in Case 1294/5/7/18 (T).
- **“MTBD”** means the 7th Defendant in Case 1293/5/7/18 (T), the 5th Party in Case 1292/5/7/18 (T) and the 3rd Party in Case 1294/5/7/18 (T).
- **“MTBUK”** means the 8th Defendant in Case 1293/5/7/18 (T).
- **“MTBF”** means MAN Truck and Bus France.

BY CONSENT IT IS ORDERED THAT:

1. By 4pm on 17 December 2021, MAN shall disclose the documents and/or data referred to in Tranche 1 of Annex 1 to this Order.
2. By 4pm on 28 January 2022, MAN shall disclose the documents and/or data referred to in Tranche 2 of Annex 1 to this Order.
3. By 4pm on 1 April 2022, as referred to in Tranche 3 of Annex 1 to this Order, MAN shall provide an update as to the availability of relevant documents and/or data and, if relevant documents and/or data are identified, propose a timeframe for the disclosure of the same to be agreed with the Claimants.

Disclosure into the Confidentiality Ring

4. MAN may choose to disclose documents, data or information into the Confidentiality Ring in accordance with the Confidentiality Ring Order.

Disclosure statement

5. Any disclosure given pursuant to paragraphs 1 and 2 shall be accompanied by a disclosure statement(s) by an appropriate person(s) 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

6. Requests for inspection of documents disclosed pursuant to paragraphs 1 and 2 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.
7. The documents and/or data to be disclosed and made available for inspection pursuant to paragraphs 1 and 2 above, 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.

Extension of time limits

8. 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

9. Costs in the case.

Other

10. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 16 December 2021
Drawn: 16 December 2021