



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1355/5/7/20 (T)

BETWEEN:

- (1) HERTZ AUTOVERMIETUNG GMBH
- (2) HERTZ FLEET LIMITED
- (3) HERTZ HOLDINGS NETHERLANDS B.V.
- (4) THE HERTZ CORPORATION

Claimants

- and -

- (1) STELLANTIS N.V. (FORMERLY FIAT CHRYSLER AUTOMOBILES N.V.)
- (2) CNH INDUSTRIAL N.V.
- (3) IVECO S.P.A.
- (4) IVECO MAGIRUS AG
- (5) MAN SE
- (6) MAN TRUCK & BUS SE (FORMERLY MAN TRUCK & BUS AG)
- (7) MAN TRUCK & BUS DEUTSCHLAND GMBH
- (8) AKTIEBOLAGET VOLVO
- (9) VOLVO LASTVAGNAR AKTIEBOLAG
- (10) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (11) RENAULT TRUCKS SAS
- (12) DAF TRUCKS N.V.
- (13) DAF TRUCKS DEUTSCHLAND GMBH
- (14) DAIMLER AG

Defendants

CONSENT ORDER

UPON the Case Management Conference in Cases 1292/5/7/18 (T), 1293/5/7/18 (T) and 1294/5/7/18 (T) on 4 and 5 October 2021, during which Case 1355/5/7/20 (T) was discussed

AND UPON the Tribunal's letter dated 19 October 2021 regarding the listing of a CMC in these and other proceedings in due course

AND UPON the Claimants filing their Amended Particulars of Claim in the form already circulated

AND UPON the Claimants' filing and service of a Statement of Case on Applicable Law on 5 November 2021

AND UPON the First to Fourth Defendants confirming that they no longer rely on the German law of pass-on and nor does any other Defendant

AND UPON the parties having agreed to the terms of this Order

BY CONSENT IT IS ORDERED THAT:

1. The Claimants have permission to amend their Statement of Case on Applicable Law to remove their case on the German law of pass on.
2. The Claimants' Amended Statement of Case on Applicable Law be filed and served on the Defendants within 7 days of the date on which this Order is drawn.
3. The First to Fourth Defendants have permission to and shall amend their Defence to the effect that they do not rely on the German law of pass on.
4. The Defendants' Amended Defences be filed and served on the Claimants by a date to be specified following the CMC to be listed in these proceedings in due course.
5. Any responses to the Claimants' Amended Statement of Case on Applicable Law be filed and served by the Defendants at the same time as filing Amended Defences on the bases set out in paragraphs 3 and 4 above.
6. Any Reply Statement of Case on Applicable Law be filed by the Claimants no later than four weeks after service of the Defendants' responses to the Claimants' Amended Statement of Case on Applicable Law.
7. Liberty to apply to vary the directions in this Order
8. Costs in the case.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 21 December 2021
Drawn: 4 January 2022