



Neutral citation [2023] CAT 16

IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1289/7/7/18

B E T W E E N:

ROAD HAULAGE ASSOCIATION LIMITED

Applicant/Proposed Class Representative

-v-

- (1) MAN SE
- (2) MAN TRUCK & BUS AG
- (3) MAN TRUCK & BUS DEUTSCHLAND GMBH
- (4) FIAT CHRYSLER AUTOMOBILES N.V.
- (5) CNH INDUSTRIAL N.V.
- (6) IVECO S.P.A
- (7) IVECO MAGIRUS AG
- (8) PACCAR INC
- (9) DAF TRUCKS N.V.
- (10) DAF TRUCKS DEUTSCHLAND GMBH

Respondents/Proposed Defendants

- and –

- (1) DAIMLER AG
- (2) VOLVO LASTVAGNAR AKTIEBOLAG

Objectors

REASONED ORDER (DISCLOSURE)

UPON the application by the Proposed Class Representative (“the RHA”) by letter from its solicitors dated 11 November 2022 for disclosure

AND UPON reading the letters dated 17 January 2023 and 18 January 2023 on behalf of, respectively, the Respondents/Objectors and the RHA

AND UPON the following definition applying for the purpose of this Order:

“**the Confidentiality Ring Order**” means the Order of the Tribunal made on 18 April 2019 in these proceedings along with the proceedings brought by UK Trucks Claims Ltd (“UKTC”) making provision for an Inner and an Outer Confidentiality Ring

IT IS ORDERED THAT:

1. The stay of the proceedings directed by the ruling of 28 October 2022 is varied so as to provide for the giving of disclosure pursuant to this Order.
2. The 8th to 10th Respondents shall disclose:
 - a. by 31 March 2023, to the persons representing or nominated by the RHA in the Inner and the Outer Confidentiality Rings established by the Confidentiality Ring Order, the copy of the decision of the EU Commission dated 19 July 2016 in Case AT/39824 *Trucks* previously disclosed by them pursuant to the order of Mrs Justice Rose dated 18 December 2017 in proceedings HC-2016-003442 (“Royal Mail”);
 - b. by 6 April 2023, to the persons representing or nominated by the RHA in the Inner Confidentiality Ring established by the Confidentiality Ring Order, the documents from the administrative file of the EU Commission relating to its investigation in *Trucks* previously disclosed by them pursuant to the order of Mr Justice Roth dated 31 July 2018 in claim CP-2017-000022 (“Ryder”).
3. The provisions of para 7 of the Confidentiality Ring Order shall apply to the documents disclosed pursuant to para 1 of this Order save that para 7 is modified to provide that the consent required pursuant to para 7.2(a) shall apply only to

the parties to the present proceedings and not to those persons who are parties only to the proceedings brought by UKTC.

4. The persons receiving disclosure pursuant to para 2 of this Order shall hold and use such documents according to the terms of and subject to the restrictions set out in the Confidentiality Ring Order as modified by para 3 above.
5. Costs in the case.
6. There be liberty to apply.

REASONS

1. As regards the Commission file, as the Respondents/Objectors point out, the form of order made on 31 July 2018 in Ryder has been the standard order for disclosure made in most of the individual Trucks proceedings.
2. As regards confidentiality, although representatives of UKTC are also included in the confidentiality rings established under the Confidentiality Ring Order, the disclosure here ordered is only to those acting for or nominated by the RHA. As the RHA points out, pursuant to rule 102 of the Competition Appeal Tribunal Rules 2015 documents so disclosed may be used only for the purpose of the proceedings in which the disclosure is made.

The Honourable Mr Justice Roth
Chair of the Competition Appeal Tribunal

Made: 23 March 2023
Drawn: 23 March 2023