



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1293/5/7/18 (T)

BETWEEN:

VEOLIA ENVIRONNEMENT S.A. AND OTHERS

Claimants

- and -

- (1) 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 AG
- (7) MAN TRUCK & BUS DEUTSCHLAND GMBH
- (8) MAN TRUCK AND BUS UK LIMITED
- (9) AKTIEBOLAGET VOLVO (PUBL)
- (10) VOLVO LASTVAGNAR AKTIEBOLAG
- (11) VOLVO GROUP TRUCKS CENTRAL EUROPE GMBH
- (12) RENAULT TRUCKS SAS
- (13) RENAULT TRUCK COMMERCIALS LIMITED
- (14) DAF TRUCKS N.V.
- (15) DAF TRUCKS DEUTSCHLAND GMBH

Defendants

- and -

- (1) PACCAR INC
- (2) SCANIA AKTIEBOLAG (PUBL)
- (3) SCANIA CV AKTIEBOLAG (PUBL)
- (4) SCANIA DEUTSCHLAND GMBH

Third Parties

ORDER

UPON the Claimants' application of 30 August 2019 for permission to amend their re-amended claim form dated 8 November 2017

AND UPON reading the letter from Travers Smith LLP of 25 November 2019, written on behalf of all the Defendants, and the letter from Hausfeld & Co LLP of 27 November 2019

AND UPON Veolia Sweden AB giving the undertaking set out in Annex A

AND UPON the Claimants providing their draft amended consolidated particulars of claim to the Defendants on 28 June 2019

AND UPON the Claimants giving the undertaking set out in Annex B to this order

IT IS ORDERED THAT:

1. The Claimants have permission to amend their Re-Amended Claim Form in the form appended to the letter from the solicitors for the Claimants to the Tribunal dated 30 August 2019.
2. The Claimants have permission to amend their Particulars of Claim in the form of the Amended Consolidated Particulars of Claim as enclosed in Annex C save that in respect of the amendments relating to matters which fall beyond the scope of the settlement decision of the European Commission dated 19 July 2016 in Case AT.39824 - Trucks (the "**Disputed Amendments**"), permission is granted on the basis that the effect of the amendment is not, for limitation purposes, to give rise to a relation back of the Disputed Amendments to the date of the issue of these proceedings, unless the Claimants can show at trial that, for the purpose of section 35 Limitation Act 1980:
 - (a) the Disputed Amendments do not add or substitute a new claim or claims; or
 - (b) in respect of any Disputed Amendments which do add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claim which is pleaded in the Particulars of Claim.
3. Costs in the case.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 27 November 2019
Drawn: 28 November 2019

Annex A

Veolia Sweden AB undertakes that, following its substitution for Veolia Industrial Services Sweden AB in *Veolia Environnement S.A. & Others v Fiat Chrysler Automobiles N.V. & Others* (Case 1293/5/7/18 (T)), it:

- a. will not bring in these proceedings any new claims for Trucks that do not already form part of the proceedings, except to the extent that Veolia Industrial Services Sweden AB could also have brought that claim had it not been removed; and
- b. agrees to be bound by any undertakings that have already been provided or agreed by Veolia Industrial Services Sweden AB in these proceedings.

Annex B

The Claimants undertake that they will not assert that the effect of the amendment, permission for which is granted by paragraph 2 of the order to which this undertaking is annexed (the “**Order**”), is otherwise than as stated in paragraph 2 of the Order regarding the effect of relation back and/or assert for the purposes of relation back that it was not reasonably arguable that the Disputed Amendments were outside the applicable limitation period as at 30 August 2019 (such undertaking being without prejudice to the Claimants’ right to argue that any limitation defence is wrong).

Annex C