



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1343/5/7/20 (T)

BETWEEN

- (1) DS SMITH PAPER LIMITED
- (2) DS SMITH LOGISTICS LIMITED
- (3) DS SMITH PACKAGING LIMITED
- (4) DS SMITH CORRUGATED PACKAGING LIMITED
- (5) DS SMITH (UK) LIMITED
- (6) DS SMITH RECYCLING UK LIMITED

Claimants

-and-

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

Defendants

-and-

- (1) SCANIA AKTIEBOLAG (PUBL)
- (2) SCANIA CV ACTIEBOLAG (PUBL)
- (3) SCANIA DEUTSCHLAND GMBH

Named Third Parties

CONSENT ORDER

UPON the parties agreeing terms

AND UPON the Tribunal considering the correspondence from the solicitors for the Claimants

AND UPON the Claimants and the Second to Eighteenth Defendants' agreement that this Order shall not apply to MAN SE following its merger into TRATON SE by registration in the commercial register at the Munich Local Court (Amtsgericht) (HRB 246068) on 31 August 2021 and MAN SE ceasing to exist as an independent legal entity

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

“Amended Confidentiality Ring Order” means the order of the Tribunal dated 22 July 2021 amending the Confidentiality Ring Order;

“Confidentiality Ring” means the confidentiality ring established pursuant to the Confidentiality Ring Order; and

“Confidentiality Ring Order” means the Order of the Tribunal dated 18 December 2020 establishing a confidentiality ring in these proceedings.

IT IS ORDERED THAT

1. The Claimants shall by 4pm on Friday, 14 January 2022 disclose the documents in their control that are responsive to categories VoC1/01, VoC03/2(a) and VoC3/2(b) identified in Annex 1 to this order.
2. The Claimants may choose to disclose documents or information into the Confidentiality Ring in accordance with the Amended Confidentiality Ring Order.
3. The Claimants' disclosure by list pursuant to paragraphs 1 and 2 above shall be accompanied by a disclosure statement by an appropriate person which shall (a) set out the extent of the search that has been made in order to locate the documents and/or information ordered 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.
4. Subject to the provisions of the Amended Confidentiality Ring Order, inspection of documents and information shall be as provided in CPR, rr 31.3 and 31.15.
5. The parties may agree to extend any time period in this order for a period of up to 28 days in total without reference to the Tribunal, provided that this does not affect the

date given for any case management conference or any other hearing. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

6. Costs in the case.

7. Liberty to apply.

Hodge Malek QC
Chairman of the Competition Appeal Tribunal

Made: 12 October 2021
Drawn: 13 October 2021