



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1633/5/7/24

BETWEEN:

**(1) TESCO STORES LIMITED**  
**(2) TESCO DISTRIBUTION LIMITED**

Claimants

- v -

**(1) SCANIA (GREAT BRITAIN) LIMITED**  
**(2) SCANIA FINANCE GREAT BRITAIN LIMITED**  
**(3) SCANIA AB**  
**(4) SCANIA CV AB**  
**(5) SCANIA DEUTSCHLAND GMBH**

Defendants

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**REASONED ORDER**

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**UPON** the President having made a reasoned order on 22 December 2023 granting the Claimants permission to initiate these proceedings (the “Permission Order”)

**AND UPON** the Claimants filing their Claim Form (together with annexes) on 5 January 2024 pursuant to paragraph 2 of the Permission Order

**AND UPON** considering the letter from the solicitors for the Claimants dated 25 January 2024 and the accompanying draft consent order signed by the parties

**IT IS ORDERED THAT:**

1. The Claimants have permission to serve the Claim Form (together with annexes) on the Defendants by email to the following addresses:

- (a) Jonathan.Hitchin@allenoverly.com;
  - (b) Russell.Butland@allenoverly.com; and
  - (c) ScaniaTrucksUK@allenoverly.com.
2. The Claimants shall serve the Claim Form (together with annexes) in accordance with paragraph 1 above by 5pm on 4 March 2024. The Claim Form must be acknowledged by filing an Acknowledgement of Service in accordance with the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”).
  3. The Defendants shall each have 14 days after service of the Claim Form on them to file an acknowledgment of service in the form provided by the Registrar, and paragraph 33(4) of the Tribunal Rules is varied accordingly.
  4. If the Defendants dispute the Tribunal’s jurisdiction, then an application to the Tribunal under Rule 34 of the Tribunal Rules must be made.
  5. There shall be liberty to apply.
  6. Costs in the case.

## **REASONS**

1. On 25 January 2024 the solicitors for the Claimants filed a draft consent order (agreed by the parties at the time) providing for, *inter alia*, service of the Claimants’ Claim Form, filing an Acknowledgement of Service, and filing a Defence.
2. Having regard to the Tribunal’s ruling in the Trucks Second Wave Proceedings of 9 January 2024 ([2024] CAT 2) (the “Ruling”), I amended the draft order, and the Registrar circulated the draft order to the parties on 26 January 2024 to ascertain whether they agreed to my proposed amendments.
3. On 22 February 2024 the solicitors for the Claimants enclosed a draft order, which was agreed by the parties save for a matter relating to jurisdiction. In summary, the

Claimants contend that the Defendants should indicate whether they intend to dispute the Tribunal's jurisdiction to hear the claim within 14 days of the service of the Claim Form, whereas the Defendants submit that, in light of the Ruling, the Defendants' position should be set out in their positive case on Overcharge and Pass-on at the end of October 2024: see [14(7)] of the Ruling.

4. It is important that both the Claimants and the Tribunal have timely notice of the Defendants' position on jurisdiction, and there is no reason why the usual practice of the Tribunal should be departed from in this regard. The filing of an Acknowledgment of Service at an early stage in proceedings has the benefit of clarifying whether the defendant is disputing the jurisdiction of the Tribunal.
5. The filing of an Acknowledgment of Service is mandatory under the Tribunal Rules, and it is also a precondition for a defendant disputing the Tribunal's jurisdiction. Further, where a defendant indicates its intention to dispute the Tribunal's jurisdiction by filing an Acknowledgment of Service, it must then make an application to dispute jurisdiction within 14 days of that filing, or else it is to be treated as having accepted that the Tribunal has jurisdiction to hear the claim.
6. The process the Tribunal is adopting for the Second Wave Trucks Proceedings including, *inter alia*, the preparation of positive and negative cases with respect to the issues of Overcharge and Pass-On, in no way varies the rules regarding the issue of the proper jurisdiction of these Proceedings.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 26 February 2024

Drawn: 26 February 2024