



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1296 etc.

BETWEEN:

THE SECOND WAVE TRUCKS CLAIMANTS

Claimants

- v -

THE SECOND WAVE TRUCKS DEFENDANTS

Defendants

ORDER

UPON the remote “hot tub” hearing on 14 December 2023

AND UPON the Tribunal’s ruling on the future conduct of the Second Wave Trucks Proceedings dated 9 January 2024

AND UPON the remote case management meeting held on 16 February 2024 in the Second Wave Trucks Proceedings

AND UPON the Defendants’ applications (as set out in the letters from the solicitors for the Defendants dated 16 May 2024) in relation to (i) truck-related services value of commerce (“**TRS VoC**”); and (ii) supply pass-on (“**SPO**”)

AND HAVING REGARD TO the Tribunal’s case management powers pursuant to Rule 53 of the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The Claimants in Cases 1338/5/7/20 (T) (Adnams), 1420/5/7/21 (T) (A to Z), 1607/5/7/23 (T) (Wincanton), 1431/5/7/22(T) (Adur), 1343/5/7/20 (T) (DS Smith), 1616/5/7/23 (T) (Boots), 1368/5/7/20 (T) (Lafarge), and 1296/5/7/18 (Arla) are to file and serve a written statement by **4pm** on **Monday 20 May 2024** explaining: (i) why

they have not provided the TRS VoC data sought by the Defendants; and (ii) why the Tribunal should not make an order requiring the Claimants to provide the material sought promptly.

2. The 'Targeted Claimants' as defined in the letter from the solicitors for the Defendants dated 16 May 2024 are to file and serve a written statement by **4pm** on **Monday 20 May 2024** explaining: (i) why they have not provided the SPO data sought by the Defendants; and (ii) why the Tribunal should not make an order requiring the Claimants to provide the material sought promptly.
3. There be liberty to apply.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 16 May 2024

Drawn: 16 May 2024

ANNEX 1: CASES INCLUDED IN THE SECOND WAVE TRUCKS PROCEEDINGS

Case Number	Case Name
Cases in England	
1296/5/7/18	Arla Foods AMBA & Others v Stellantis N.V. & Another
1338/5/7/20 (T)	Adnams PLC & Others v DAF Trucks Limited & Others
1343/5/7/20 (T)	DS Smith Paper Limited & Others v MAN SE & Others
1355/5/7/20 (T)	Hertz Autovermietung GmbH & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1356/5/7/20 (T)	Balfour Beatty Group Limited & Others v Stellantis N.V. (formerly Fiat Chrysler Automobiles N.V.) & Others
1358/5/7/20 (T)	Zamenhof Exploitation & Others v Fiat Chrysler Automobiles N.V. & Others
1360/5/7/20 (T)	BFS Group Limited & Another v DAF Trucks Limited & Others
1361/5/7/20 (T)	Enterprise Rent-a-Car UK Limited v DAF Trucks Limited & Others
1362/5/7/20 (T)	ABF Grain Products Limited & Others v DAF Trucks Limited & Others
1368/5/7/20 (T)	LafargeHolcim Limited & Others v Aktiebolaget Volvo (Publ) & Others
1371/5/7/20 (T)	The BOC Group Limited & Others v Stellantis N.V. & Others
1372/5/7/20 (T)	GIST Limited & Others v Stellantis N.V. & Others
1417/5/7/21 (T)	Dan Ryan Truck Rental Limited & Others v DAF Trucks Limited & Others
1420/5/7/21 (T)	A to Z Catering Supplies Limited & Others v DAF Trucks Limited & Others
1431/5/7/22 (T)	Adur District Council & Others v TRATON SE & Others
1521/5/7/22 (T)	Wm Morrison Supermarkets PLC & Others v Volvo Group UK Limited & Others
1578/5/7/23 (T)	Asda & Others v AB Volvo & Others
1616/5/7/23(T) (formerly CL-2020-763 (High Court))	Boots & Others v. Traton & Others
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others
1610/5/7/23(T) (formerly CP-2022-000041)	Rowleys of Northwich Limited and others v DAF Trucks Limited and others
1607/5/7/23(T) (formerly CP-2022-000042)	Wincanton Holdings Limited and another v DAF Trucks Limited and others
1608/5/7/23(T) (formerly CP-2022-000043)	Adnams PLC and others v DAF Trucks Limited and others
1609/5/7/23(T) (formerly CP-2022-000048)	SP0117 Limited (as Assignee) and another v DAF Trucks Limited and others
1633/5/7/24	Tesco Stores Limited & Another v Scania (Great Britain) Limited & Others
Case in Northern Ireland	
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo

20/22730	McHugh's Oil Limited -v- AB Volvo
18/33243	Niall McCann trading as NMC Haulage -v- AB Volvo
20/41004	Cynthia Beattie t/a Beattie Transport -v- AB Volvo
20/58996	J.C. Campbell (N.I.) Limited –v- DAF Trucks N.V.
20/58997	Gibson Bros Limited –v- DAF Trucks N.V.
20/58985	Joseph Walls Ltd –v- DAF Trucks NV
20/58980	M.G. Oils Limited–v- DAF Trucks NV
20/58992	J.K.C. Specialist Cars Limited–v- DAF Trucks NV
20/58976	G.P. Marketing Limited trading as Patterson Oil –v- DAF Trucks NV
22/53690	Cynthia Beattie t/a Beattie Transport –v- DAF Trucks NV
20/58991	J.H. Irwin & Son (Fuels) Limited –v- DAF Trucks NV
18/33233	Trevor Leckey t/a Stoneyford Concrete –v- DAF Trucks NV
20/58982	Derek O'Reilly t/a O'Reilly's The Sweet People -v- Daimler AG
20/58998	Patrick Megoran -v- Daimler AG
20/58974	Stephen Pollard -v- Daimler AG
21/05481	John Rodgers Limited -v- Daimler AG
20/58984	Andrew Ingredients Ltd -v- Daimler AG
18/78073	Kieran Quinn t/a Pomeroy Haulage -v- Daimler AG
20/58977	J.C. Campbell (N.I.) Limited -v- Daimler AG
22/53682	Cynthia Beattie t/a Beattie Transport -v- Daimler AG
20/58987	R Magowan & Son Limited -v- Iveco S.P.A
21/48587	C. Russell Auto Sales Ltd -v- Iveco S.P.A
20/58990	Kennedy & Morrison Limited -v- Iveco S.P.A
20/58994	Niall McCann t/a NMC Haulage -v- Iveco S.P.A
21/05466	John Rodgers Limited -v- Iveco S.P.A
18/78144	JH Irwin & Son (Fuels) Limited -v- AB Volvo
20/22730	McHugh's Oil Limited -v- AB Volvo
18/33243	Niall McCann trading as NMC Haulage -v- AB Volvo
20/41004	Cynthia Beattie t/a Beattie Transport -v- AB Volvo
20/58996	J.C. Campbell (N.I.) Limited –v- DAF Trucks N.V.
Cases in Scotland	
1538/5/7/22 (T)	Clackmannanshire Council v VFS Financial Services Ltd & Others
1539/5/7/22 (T)	Angus Council v VFS Financial Services Limited & Others
1540/5/7/22 (T)	East Ayrshire Council v VFS Financial Services Ltd & Others
1541/5/7/22 (T)	The City of Edinburgh Council v VFS Financial Services Ltd
1542/5/7/22 (T)	East Lothian Council v VFS Financial Services Ltd & Others
1543/5/7/22 (T)	East Dunbartonshire Council v VFS Financial Services Limited
1544/5/7/22 (T)	Fife Council v VFS Financial Services Ltd & Others
1545/5/7/22 (T)	Midlothian Council v VFS Financial Services Ltd & Others

1546/5/7/22 (T)	Glasgow City Council v VFS Financial Services Ltd & Others
1547/5/7/22 (T)	Dundee City Council v VFS Financial Services Ltd & Others
1548/5/7/22 (T)	Scottish Water v VFS Financial Services Limited & Others
1549/5/7/22 (T)	West Lothian Council v VFS Financial Services Ltd & Others
1550/5/7/22 (T)	Perth & Kinross Council v VFS Financial Services Limited
1551/5/7/22 (T)	Stirling Council v VFS Financial Services Limited & Others
1552/5/7/22 (T)	Renfrewshire Council v VFS Financial Services Ltd & Others
1553/5/7/22 (T)	South Ayrshire Council V VFS & Others
1554/5/7/22 (T)	The North Ayrshire Council v VFS Financial Services Limited
1555/5/7/22 (T)	Western Isles Council v VFS Financial Services & Others
1556/5/7/22 (T)	West Dunbartonshire Council v VFS Financial Services
1557/5/7/22 (T)	North Lanarkshire Council v VFS Financial Services Ltd
1558/5/7/22 (T)	Scottish Borders Council v VFS Financial Services Limited
1559/5/7/22 (T)	Dundee CC & Others t/a Tayside Contracts v VFS FS Ltd & Others
1560/5/7/22 (T)	Aberdeenshire Council v VFS Financial Services Ltd & Others
1561/5/7/22 (T)	Argyll and Bute Council v VFS Financial Services Limited
1562/5/7/22 (T)	East Renfrewshire Council v VFS Financial Services Limited
1563/5/7/22 (T)	South Lanarkshire Council v VFS Financial Services Limited
1564/5/7/22 (T)	Grahams The Family Dairy (Processing Ltd) v CNH Industrial
1565/5/7/22 (T)	Grahams The Family Dairy Ltd v CNH Industrial N.V.
1566/5/7/22 (T)	Graham's Dairies Limited v CNH Industrial N.V