

IN THE COMPETITION APPEAL TRIBUNAL

Case No: As set out in Annex 1

BETWEEN:

THE SECOND WAVE TRUCKS CLAIMANTS

Claimants

- v -

THE SECOND WAVE TRUCKS DEFENDANTS

Defendants

(the "Second Wave Trucks Proceedings")

CONSENT ORDER

UPON the following definitions applying for the purpose of this Order:

- "Arla Proceedings" means the proceedings with case number 1296/5/7/18;
- "Iveco Defendants" means the First and Second Defendants in the Arla Proceedings; and
- "Arla" means the Claimants in the Arla Proceedings;

UPON the Court being informed that the Arla and the Iveco Defendants have agreed confidential terms of settlement

AND UPON reading a draft of this order endorsed by the solicitors for Arla and for the Iveco Defendants.

AND UPON the parties to this Order recognising the guidance of the Tribunal in the Tribunal's Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

- (1) The effect of the settlement is that Arla (the "Settling Claimants") ceases to have a claim against the Iveco Defendants (the "Settling Defendants") and therefore the Settling Claimants ceases to be parties to the Second Wave Trucks Proceedings. To the extent that the Tribunal has any costs jurisdiction over the Settling Claimants and/or the Settling Defendants (as to which this order says nothing), a costs order against one of them in favour of the other may not be a just exercise of the Tribunal's costs discretion.
- Whilst the Settling Defendants (if still a party to the Second Wave Trucks Proceedings) would be entitled, as appropriate, to seek costs orders against those claimants in the Second Wave Trucks Proceedings who have not settled ("Non-Settling Claimants"), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the Settling Claimants.
- (3) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Defendants (if still a party to the Second Wave Trucks Proceedings) against Non-Settling Claimants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Claimants.
- (4) Whilst the Settling Claimants (if still a party to the Second Wave Trucks Proceedings) would be entitled, as appropriate, to seek costs orders against those defendants in the Second Wave Trucks Proceedings who have not settled ("Non-Settling Defendants"), the Tribunal will be reluctant to order such Non-Settling Defendants to pay costs that are attributable to the Settling Defendants.
- (5) The Tribunal may, accordingly, reduce the costs recoverable by the Settling Claimants (if still a party to the Second Wave Trucks Proceedings) against Non-Settling Defendants by an amount referable to the costs incurred prior to the date of the settlement that would (but for the settlement) have been paid by the Settling Defendants.

BY CONSENT IT IS ORDERED THAT:

- 1. The Arla Proceedings be dismissed.
- 2. There be no order as to costs.

The Honourable Mr Justice Huddleston

Chair of the Competition Appeal Tribunal

Made: 2 May 2025

Drawn: 7 May 2025

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	
1594/5/7/23 (T)	GAP Group Limited and Another v DAF Trucks Limited and Others	
1610/5/7/23 (T)	Rowleys of Northwich Limited and others v DAF Trucks Limited and others	
1607/5/7/23 (T)	Wincanton Holdings Limited and another v DAF Trucks Limited and others	
1608/5/7/23 (T)	Adnams PLC and others v DAF Trucks Limited and others	
1609/5/7/23 (T)	SP0117 Limited (as Assignee) and another v DAF Trucks Limited and others	
1616/5/7/23 (T)	Boots & Others v. Traton & Others	
1633/5/7/24	Tesco Stores Limited & anor v Scania (Great Britain) limited & others	
Cases in Northern Ireland		
1536/5/7/22 (T)	C Faulkner & Sons v Aktiebolaget Volvo (Publ)	
1674/5/7/24 (T)	J.C. Campbell (N.I.) Limited –v- DAF Trucks N.V.	
1675/5/7/24 (T)	Gibson Bros Limited -v- DAF Trucks N.V.	
1676/5/7/24 (T)	Joseph Walls Ltd –v- DAF Trucks NV	

1677/5/7/24 (T) M.G. Oils Limited-v- DAF Trucks NV 1678/5/7/24 (T) J.K.C. Specialist Cars Limited-v- DAF Trucks NV 1679/5/7/24 (T) J.K.C. Specialist Cars Limited-v- DAF Trucks NV 1680/5/7/24 (T) J.H. Irwin & Son (Fuels) Limited -v- DAF Trucks NV 1681/5/7/24 (T) J.H. Irwin & Son (Fuels) Limited -v- DAF Trucks NV 1681/5/7/24 (T) John Rodgers Limited -v- Daimler AG 1683/5/7/24 (T) John Rodgers Limited -v- Daimler AG 1683/5/7/24 (T) R Magowan & Son Limited -v- Iveco S.P.A 1684/5/7/24 (T) Kennedy & Morrison Limited -v- Iveco S.P.A 1686/5/7/24 (T) Kennedy & Morrison Limited -v- Iveco S.P.A 1686/5/7/24 (T) John Rodgers Limited -v- Iveco S.P.A 1687/5/7/24 (T) John Rodgers Limited -v- Iveco S.P.A 1687/5/7/25 (T) John Rodgers Limited -v- Iveco S.P.A 1703/5/7/25 (T) John Rodgers Limited -v- Iveco S.P.A 1703/5/7/25 (T) AH Fuel Oils Limited v AB Volvo 1704/5/7/25 (T) Anthony McLornan Trading as McLornan Transport v Renault SAS 1705/5/7/25 (T) J.Stockdale and Son Limited v AB Volvo 1706/5/7/25 (T) J.C. Campbell (N.I.) Limited v AB Volvo 1709/5/7/25 (T) J.F. Campbell (N.I.) Limited v AB Volvo 1709/5/7/25 (T) J.H Irwin & Son (Fuels) Limited -v- AB Volvo 1710/5/7/25 (T) McHugh's Oil Limited -v- AB Volvo 1710/5/7/25 (T) J.C. Campbell (N.I.) Limited -v- AB Volvo 1711/5/7/25 (T) J.C. Campbell (N.I.) Limited -v- Daimler AG 1711/5/7/25 (T) J.C. Campbell (N.I.) Limited -v- Daimler AG 1711/5/7/25 (T) J.C. Campbell (N.I.) Limited -v- Daimler AG 1711/5/7/25 (T) J.C. Campbell (N.I.) Limited -v- Daimler AG 1711/5/7/25 (T) Derek O'Reilly ta O'Reilly's The Sweet People -v- Daimler AG 1711/5/7/25 (T) Derek O'Reilly ta O'Reilly's The Sweet People -v- Daimler AG 1711/5/7/25 (T) Stephen Pollard -v- Daimler AG 1711/5/7/25 (T) Stephen Pollard -v- Daimler AG 1711/5/7/25 (T) Angus Council v VFS Financial Services Ltid & Others 1534/5/7/22 (T) East Lothian Counci	1678/5/7/24 (T) J 1679/5/7/24 (T) J 1680/5/7/24 (T) J 1681/5/7/24 (T) T 1681/5/7/24 (T) T 1682/5/7/24 (T) J 1683/5/7/24 (T) R 1684/5/7/24 (T) K 1685/5/7/24 (T) K 1686/5/7/24 (T) N 1687/5/7/24 (T) J 1703/5/7/25 (T) A 1704/5/7/25 (T) H 1706/5/7/25 (T) J 1707/5/7/25 (T) J	J.K.C. Specialist Cars Limited–v- DAF Trucks NV G.P. Marketing Limited trading as Patterson Oil –v- DAF Trucks NV
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1546/5/7/22 (T) Glasgow City 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	1547/5/7/22 (Т) П	
1548/5/7/22 (T) Scottish Water v VFS Financial Services Limited & Others	1548/5/7/22 (T) S	Oundee City Council v VFS Financial Services Ltd & 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
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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 Limted
1562/5/7/22 (T)	East Renfrewshire Councill 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 Diary Ltd v CNH Industrial N.V.
1566/5/7/22 (T)	Graham's Dairies Limited v CNH Industrial N.V