



IN THE COMPETITION
APPEAL TRIBUNAL

Case No.: 1166/5/7/10

B E T W E E N :

ALBION WATER LIMITED

Claimant

-v-

DŴR CYMRU CYFYNGEDIG

Defendant

ORDER

UPON the Tribunal handing down its Judgment of 28 March 2013 ([2013] CAT 6) (the “Judgment”) in which it finally determined the Claimant’s claims for damages brought under section 47A of the Competition Act 1998

AND UPON considering the terms of the Judgment, which should be read together with this Order

AND UPON reading the parties’ submissions on the terms of this order

IT IS ORDERED THAT:

1. Subject to paragraph 3 below, the Defendant pay to the Claimant by 4 pm on 11 April 2013:
 - (a) £1,694,343.50 in respect of the Claimant’s claim for losses arising in relation to the supply of water to Shotton Paper; and
 - (b) £160,149.66 in respect of the Claimant’s claim for losses arising from the lost opportunity to supply water to Corus Shotton.
2. Subject to paragraph 3 below, the Defendant pay interest to the Claimant on the sums awarded:
 - (a) under paragraph 1(a) of this Order at an annual rate of 2 per cent above the Bank of England base rates in force over the period from 26

January 2005 until the date that payment is made by the Defendant;
and

(b) under paragraph 1(b) of this Order at an annual rate of 2 per cent above the Bank of England base rates in force over the period from 20 July 2006 until the date that payment is made by the Defendant.

3. In respect of the sums due under paragraphs 1 and 2 above, the Defendant pay £500,000 direct to the Claimant and pay the remainder into escrow.
4. The sums paid into escrow by the Defendant pursuant to paragraph 3 of this Order be paid:
 - (a) to the Claimant on the first working day following the expiration of the period for filing an application for permission to appeal the Judgment, in the event that no such application is made by the Defendant;
 - (b) in the event that the Defendant's application for permission to appeal dismissed, to the Claimant on the first working day thereafter;
 - (c) in the event that permission to appeal is granted to the Defendant but the subsequent appeal is dismissed, to the Claimant on the first working day after that judgment is handed down by the Court of Appeal; or
 - (d) in the event that permission to appeal is granted to the Defendant and the appeal is, at least to some extent, allowed, pursuant to the order of the Court of Appeal.
5. The Claimant's claim for exemplary damages be dismissed.
6. Any applications for costs be filed and served no later than 5 pm on 28 May 2013.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 9 April 2013
Drawn: 9 April 2013