



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case No: 1173/5/7/10**

**B E T W E E N:**

- 1) DEUTSCHE BAHN AG
- 2) DB NETZ AG
- 3) DB ENERGIE GMBH
- 4) DB REGIO AG
- 5) S-BAHN BERLIN GMBH
- 6) S-BAHN HAMBURG GMBH
- 7) DB REGIO NRW GMBH
- 8) DB KOMMUNIKATIONSTECHNIK GMBH
- 9) DB SCHENKER RAIL DEUTSCHLAND AG
- 10) DB BAHNBAU GRUPPE GMBH
- 11) DB FAHRZEUGINSTANDHALTUNG GMBH
- 12) DB FERNVERKEHR AG
- 13) DB SCHENKER RAIL (UK) LTD
- 14) LOADHAUL LIMITED
- 15) MAINLINE FREIGHT LIMITED
- 16) RAIL EXPRESS SYSTEMS LIMITED
- 17) DB SCHENKER RAIL INTERNATIONAL LIMITED (FORMERLY  
ENGLISH WELSH & SCOTTISH RAILWAY INTERNATIONAL LIMITED)
- 18) EMEF - EMPRESA DE MANUTENÇÃO DE EQUIPAMENTO  
FERROVIÁRIO SA
- 19) CP - COMBOIOS DE PORTUGAL E.P.E.
- 20) METRO DE MADRID, S.A.
- 21) NV NEDERLANDSE SPOORWEGEN
- 22) NEDTRAIN B.V.
- 23) NEDTRAIN EMATECH B.V.
- 24) NS REIZIGERS B.V.
- 25) DB SCHENKER RAIL NEDERLAND N.V.
- 26) TRENITALIA, S.P.A.
- 27) RETE FERROVIARIA ITALIANA, S.P.A.
- 28) NORGES STATSANER AS
- 29) EUROMAINT RAIL AB
- 30) GÖTEBORGS SPÅRVÄGAR AB

**Claimants**

**-v-**

- ~~1) MORGAN ADVANCED MATERIALS PLC~~
- ~~2) SCHUNK GMBH~~
- ~~3) SCHUNK KOHLENSTOFFTECHNIK GMBH~~
- ~~4) SGL CARBON SE (FORMERLY SGL CARBON AG)~~
- ~~5) MERSEN SA (FORMERLY LE CARBONE-LORRAINE SA)~~
- ~~6) HOFFMAN & CO. ELEKTROKOHLE AG~~

**Defendants**

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**ORDER (WITHDRAWAL OF CLAIM)**

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**UPON** agreement by the First to the Thirtieth Claimants (together “the Claimants”), the Second to the Fifth Defendants and Morgan Advanced Materials Plc (together “the Parties”)

**AND UPON** reading the request by the Claimants dated 7 November 2014 for permission to withdraw their claims pursuant to rule 42 of the Competition Appeal Tribunal Rules 2003 (S.I. 2003 No. 1372) (“the Tribunal Rules”)

**AND UPON** the Second to the Fifth Defendants and Morgan Advanced Materials Plc consenting to the withdrawal of the claims

**IT IS ORDERED BY CONSENT** that:

1. The Claimants be granted permission to withdraw their claims pursuant to rule 42 of the Tribunal Rules on terms agreed between the Parties
2. The Second and Third Defendants pay one third of the Claimants’ costs in an amount to be assessed if not agreed on a standard basis pursuant to Rule 44.3 of the Civil Procedure Rules

**Marcus Smith Q.C.**  
Chairman of the Competition Appeal Tribunal

Made: 12 November 2014  
Drawn: 12 November 2014