



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1173/5/7/10

- 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) 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) ANGEL TRAINS LIMITED
- 22) NV NEDERLANDSE SPOORWEGEN
- 23) NEDTRAIN B.V.
- 24) NEDTRAIN EMATECH B.V.
- 25) NS REIZIGERS B.V.
- 26) DB SCHENKER RAIL NEDERLAND N.V.
- 27) TRENITALIA, S.P.A.
- 28) RETE FERROVIARIA ITALIANA, S.P.A.
- 29) NORGES STATSBANER AS
- 30) EUROMAINT RAIL AB
- 31) GÖTEBORGS SPÅRVÄGAR AB

Claimants

-v-

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

Defendants

ORDER

UPON reading the claim form filed by the Claimants in the above proceedings

AND UPON noting that five of the Defendants named in the claim form appear to be domiciled outside the jurisdiction

IT IS ORDERED THAT:

1. Pursuant to Rule 63(3) of the Competition Appeal Tribunal Rules 2003 (“the Tribunal Rules”), the Claimants shall serve the claim form on Schunk GmbH, Schunk Kohlenstofftechnik GmbH, SGL Carbon AG, Mersen SA, Hoffman & Co. Elektrokohle AG (“the Overseas Defendants”) by any method permissible by Part 6 of the Civil Procedure Rules (“CPR”) in respect of defendants domiciled outside the jurisdiction.
2. Service of the claim form in accordance with the above paragraph shall also include service of the Tribunal’s form of acknowledgment of service and a copy of this Order on each of the Overseas Defendants.
3. Where service takes place outside the jurisdiction, the periods for acknowledging service and filing a defence which are set out in Rules 36 and 37 of the Tribunal Rules shall be varied so as to accord with the periods applicable under the CPR and the Claimants shall draw the attention of the Overseas Defendants to that fact.
4. In respect of each of the Overseas Defendants, the Claimants shall notify the Tribunal of:
 - (i) the method by which service has been effected;
 - (ii) the date of deemed service;
 - (iii) the periods for acknowledging service and filing a defence.
5. There shall be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 20 December 2010
Drawn: 20 December 2010