



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1370/5/7/20 (T)

BETWEEN

- (1) VATTENFALL AB
- (2) VATTENFALL ELDISTRIBUTION AB
- (3) VATTENFALL VINDKRAFT AB
- (7) VÄSTERBERGSLAGENS ELNÄT AB
- (8) THANET OFFSHORE WIND LIMITED
- (10) ORMONDE ENERGY LIMITED
- (11) VATTENFALL A/S
- (12) VATTENFALL VINDKRAFT A/S
- (13) DOTI DEUTSCHE OFFSHORE-TESTFELD UND
INFRASTRUKTUR GMBH & CO KG
- (14) STROMNETZ BERLIN GMBH
- (15) NOORDZEEWIND CV

Claimants

- and -

- (1) PRYSMIAN S.P.A.
- (2) PRYSMIAN POWERLINK S.R.L.
- (3) PRYSMIAN CABLES & SYSTEMS LTD
- (4) PRYSMIAN GROUP FINLAND OY
- (5) PRYSMIAN KABEL UND SYSTEME GMBH
- (8) PRYSMIAN CAVI E SISTEMI SRL

Defendants

- and -

- (1) NEXANS FRANCE SAS
- (2) NEXANS SA

Third Parties

CONSENT ORDER

UPON the Claimants, the Defendants, and the Third Parties having agreed the terms of this Order

AND HAVING REGARD TO the Order of Mr Justice Adam Johnson dated 13 October 2020 (herein referred to as the “**CMC Order**”)

AND HAVING REGARD TO the Order of the Honourable Mr Justice Trower dated 22 January 2021 (herein referred to as the “**Third Parties Disclosure Order**”)

BY CONSENT IT IS ORDERED THAT:

1. The Third Parties Disclosure Order be varied as follows:

(a) The wording at paragraph 1 be replaced with:

“1. By 4pm on 25 June 2021, the Third Parties shall disclose to the Main Parties the following documents, insofar as they are or have been within their control:

1.1 documents falling within the categories identified in Annex A to this Order (“Annex A”); and

1.2 any known adverse documents, within the meaning of PD 51U.”

(b) The wording at paragraph 2 be replaced with:

“2. By 4pm on 25 June 2021 the Third Parties and the Prysman Defendants shall disclose to each other the documents falling within the categories identified in Annex B to this Order (“Annex B”), insofar as they are or have been within their control.”

(c) The wording at paragraph 9 be replaced with:

“By 4pm on 12 November 2021, the parties shall exchange signed statements of witnesses of fact and hearsay notices where required by CPR 33.2”

(d) The wording at paragraph 10 be replaced with:

“By 4pm on 10 December 2021, the parties shall exchange signed reply statements of witnesses of fact.”

2. The CMC Order be varied as follows:

(a) The wording at paragraph 12 be replaced with:

“12. By 4pm on 25 June 2021, the Main Parties shall disclose the following documents, insofar as they are or have been within a party’s control:

12.1. documents falling within the categories identified in the Annex to this Order (the “Annex”); and

12.2. any known adverse documents, within the meaning of PD 51U.”

(b) The wording at paragraph 10 be replaced with:

“10. By 13 August 2021, the Claimants shall serve an amended and updated version of Annex B, which, insofar as the Claimants are able to do so, completes the information in Columns B to O of Annex B insofar as such information is not at present included and confirms, in respect of each supply, whether the transaction is “follow-on” in that it falls within the scope of the infringement as identified in Recital 13 of the Decision or is pursued on a purely standalone or on a “hybrid” basis.”

(c) The wording at paragraph 11 be replaced with:

“11. By 10 September 2021, the Prysmian Defendants shall serve a document, verified by a statement of truth, which, in respect of each of the sales alleged in Annex B to have been made by one of the Prysmian Defendants or an entity which was at the time of the sale a member of the same corporate group:

11.1. states whether it is accepted that the relevant sale falls within the scope of the products, works and services that are the subject of the Decision; and

11.2. particularises the basis for any denial under paragraph 11.1 above.”

Costs

3. Costs in the case.

The Honourable Mrs Joanna Smith
Chairman of the Competition Appeal Tribunal

Made: 27 May 2021
Drawn: 27 May 2021