



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

ORDER

UPON considering the case management Order made by Mr Justice Johnson at the Case Management Conference on 13 October 2020, as amended by consent pursuant to the Consent Order made by Mrs Justice Joanna Smith on 27 May 2021

AND UPON considering the costs management Order made by Mr Justice Trower on 5 February 2021

AND UPON the defined terms herein being as defined and used in the above Orders

AND UPON reading the application for a costs management determination filed by the Prysman Defendants on 11 January 2021

AND UPON reading the written submissions of the Main Parties and witness statements filed in advance of a costs case management conference (“CCMC”)

AND UPON a CCMC held remotely on 28 June 2021

AND UPON hearing Counsel for the Claimants and Counsel for the Prysman Defendants

AND UPON the Main Parties having reached agreement on all outstanding matters concerning the costs budgets save in relation to the Claimants’ disclosure, expert reports and attendance at trial, and the Defendants’ Counsel fees for trial preparation and trial phases.

IT IS ORDERED THAT:

1. The Main Parties’ costs budgets are hereby approved to the extent that the parties have reached agreement upon the same; as to the items upon which agreement was not reached, the Court hereby approves the budgets for those items in the sums set out in the Annex hereto.
2. The Main Parties are to file revised costs budgets (using the first summary page of Precedent H only) reflecting the sums as agreed between the parties and as approved by paragraph 1 hereof within 14 days of the date on which this Order is drawn. For the avoidance of doubt, such budgets should be filed with the Competition Appeal Tribunal.

3. Costs in the case.

The Honourable Mrs Joanna Smith
Chairman of the Competition Appeal Tribunal

Made: 28 June 2021
Drawn: 7 July 2021

Annex

Costs in dispute	Approved figure for costs budget
Claimants budgeted costs for the remainder of the disclosure stage of proceedings, including time costs for solicitors, experts and counsel fees.	A total of £549,564.37: <ul style="list-style-type: none">• £255,000 of solicitors' fees;• 206,250 of expert costs; and• £38,625 of Counsel costs.
Claimants' budgeted costs for the production of expert reports, reply report and joint statement stage of proceedings to include all assistance provided by solicitors and counsel	A total of £1,000,000.
Claimants' budgeted costs for solicitor and experts attendance at trial	A total of £461,875, comprising: <ul style="list-style-type: none">• £400,000 of solicitors' fees; and• £61,875 of expert costs. Therefore, taken with the agreed elements of the phase, the Claimants approved estimated costs are £786,875 in total for the trial phase.
Defendants' budgeted costs for Counsel fees for attendance at trial and trial preparation	£875,000 in brief fees and £282,000 in refreshers (to be allocated between counsel, and the trial preparation and trial phases).