



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 The Honourable Mrs Joanna Smith dated 27 May 2021 (the “**27 May Order**”)

IT IS ORDERED BY CONSENT THAT:

1. The 27 May Order be varied as follows:

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

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

‘By 4pm on 3 December 2021, the parties shall exchange signed statements of witnesses of fact and hearsay notices where required by CPR 33.2’ ”

b) The wording at paragraph 1(d) be replaced with:

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

‘By 4pm on 14 January 2022, the parties shall exchange signed reply statements of witnesses of fact.’ ”

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

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

‘10. By 4pm on 3 September 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.’ ”

d) The wording at paragraph 2(c) be replaced with:

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

‘11. By 4pm on 1 October 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.’ ”

2. Costs in the case.

The Honourable Mrs Joanna Smith
Chairman of the Competition Appeal Tribunal

Made: 18 August 2021
Drawn: 18 August 2021