



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1440/7/7/22

BETWEEN:

**CLARE MARY JOAN SPOTTISWOODE CBE**

Applicant / Proposed Class Representative

- v -

**(1) NEXANS FRANCE S.A.S.**

**(2) NEXANS S.A.**

**(3) NKT A/S (formerly NKT HOLDING A/S)**

**(4) NKT VERWALTUNGS GMBH (formerly NKT CABLES GMBH)**

**(5) PRYSMIAN CAVI E SISTEMI S.R.L.**

**(6) PRYSMIAN S.P.A.**

Respondents / Proposed Defendants

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**ORDER**

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**UPON** reading the Proposed Class Representative’s collective proceedings claim form filed on 9 May 2022, treated as filed on 10 May 2022 pursuant to Rule 111(4)(c) of the Competition Appeal Tribunal Rules 2015 (“**the Tribunal Rules**”) (“**the CPO Application**”)

**AND UPON** reading the Tribunal’s letter dated 11 May 2023 and the parties’ written submissions

**AND UPON** hearing counsel for the parties at a Case Management Conference on 26 June 2023

**IT IS ORDERED THAT:**

**A. FORUM**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

**B. PUBLICITY**

2. Within one week of the hearing of the CPO Application being listed pursuant to paragraph 9 below, the Proposed Class Representative shall file and serve a draft notice (or notices), in accordance with Rules 76 and 79 of the Tribunal Rules, regarding (i) the CPO Application, (ii) the rights of persons with an interest to object to the CPO Application and/or the authorisation of the Proposed Class Representative; and (iii) the right of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application (“**the Notice**”).
3. By 4pm on the date one week following the Tribunal’s approval of the Notice in accordance with paragraph 2, the Proposed Class Representative shall, in accordance with her notice and administration plan filed with the CPO Application and with paragraphs 2, 4 and 5 of this Order, publicise:
  - (a) the CPO Application;
  - (b) the right under Rule 76(1)(c) of the Tribunal Rules of persons with an interest to object to the CPO Application or the authorisation of the Proposed Class Representative; and
  - (c) the right under Rule 79(5) of the Tribunal Rules of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application.

**C. OBJECTIONS AND OBSERVATIONS**

4. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the Proposed Class Representative by

writing to the Tribunal stating their reasons for objecting by 4pm on 1 December 2023. Any member of the proposed class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.

5. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by 4pm on 1 December 2023.

**D. RESPONSES AND REPLIES**

6. The Proposed Defendants shall file and serve any responses to the CPO Application, together with any factual and/or expert evidence, and any applications made pursuant to Rule 79(4) of the Tribunal Rules by 4pm on 6 October 2023. If the Supreme Court has not handed down its judgment in appeal reference 2021/0078 R (*PACCAR Inc.*) v. *Competition Appeal Tribunal* by 1 September 2023, the Proposed Defendants may exclude issues relating to the Proposed Class Representative's funding arrangements from the said responses.
7. The Proposed Class Representative shall file and serve any reply to the Proposed Defendants' responses, together with any factual and/or expert evidence, and any response to any applications made pursuant to rule 79(4) of the Tribunal Rules, by 4pm on 8 December 2023.

**E. FURTHER CMC**

8. A Case Management Conference be listed for a date convenient to the parties in December 2023 with a time estimate of half a day. The parties are to inform the Tribunal's Registry as soon as it becomes apparent that such a Case Management Conference is not required.

**F. CPO APPLICATION HEARING**

9. The hearing of the CPO Application and any applications made pursuant to rule 79(4) of the Tribunal Rules be listed for a date convenient to the parties in March 2024 with a time estimate of three days (with an additional day in reserve).
10. The Proposed Class Representative shall file an electronic version and six hard copies of the agreed hearing bundle by 4pm on the date three weeks before the hearing listed pursuant to paragraph 9 above.
11. The parties shall file and serve skeleton arguments for the hearing listed pursuant to paragraph 9 above by 4pm on the date two weeks before the hearing listed pursuant to paragraph 9 above.
12. The Proposed Class Representative shall file an electronic version of the agreed authorities bundle and six hard copies by 4pm on the date one week before the hearing listed pursuant to paragraph 9 above.
13. So far practicable, the Proposed Defendants shall avoid duplication in their submissions (both written and oral) for the CPO Application hearing.

**G. GENERAL**

14. In the event that a Collective Proceedings Order is granted the parties will liaise promptly thereafter to list a Case Management Conference to determine whether, and if so how, the claim should be jointly case managed with case no. 1518/5/7/22 (*London Array Ltd. & ors. v. Nexans France S.A.S. & anr.*).
15. Costs reserved.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 26 June 2023

Drawn: 28 July 2023