



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1440/7/7/22
1518/5/7/22

BETWEEN:

CLARE MARY SPOTTISWOODE CBE

Class Representative

- v -

(1) NEXANS FRANCE SAS

(2) NEXANS SA

(3) NKT A/S (FORMERLY NKT HOLDING A/S)

(4) NKT VERWALTUNGS GMBH (FORMERLY NKT CABLES GMBH)

(5) PRYSMIAN CAVI E SISTEMI SRL

(6) PRYSMIAN SPA

Defendants

(THE “SPOTTISWOODE PROCEEDINGS”)

AND BETWEEN:

(1) LONDON ARRAY LIMITED

(2) RWE RENEWABLES UK LONDON ARRAY LIMITED

(formerly known as E.ON CLIMATE & RENEWABLES UK LONDON ARRAY LIMITED)

(3) ORSTED LONDON ARRAY LIMITED (formerly known as DONG ENERGY LONDON ARRAY LIMITED)

~~(4) GREENCOAT LONDON ARRAY LIMITED (formerly known as ORSTED LONDON ARRAY II LIMITED (formerly and prior to that known as DONG ENERGY LONDON ARRAY II LIMITED))~~

(5) MASDAR ENERGY UK LIMITED

Claimants

- v -

(1) NEXANS FRANCE SAS

(2) NEXANS SA

Defendants

(THE “LONDON ARRAY PROCEEDINGS”)

ORDER (ROC ISSUE TRIAL COSTS)

UPON the Tribunal having made a Joint Case Management Order on 22 May 2024 in the Spottiswoode Proceedings and the London Array Proceedings defining the ROC Issue by reference to four questions (the “**ROC Issue Questions**”) and listed the ROC Issue for trial between 19 May and 6 June 2025 (the “**ROC Issue Trial**”), immediately after the trial in the London Array Proceedings, which commenced on 29 April 2025

AND UPON hearing in the ROC Issue Trial counsel for the Claimants in the London Array Proceedings (the “**London Array Claimants**”), the Defendants in the London Array Proceedings also being the First and Second Defendants in the Spottiswoode Proceedings, the Third and Fourth Defendants in the Spottiswoode Proceedings, the Fifth and Sixth Defendants in the Spottiswoode Proceedings and the Class Representative in the Spottiswoode Proceedings

AND UPON the Tribunal delivering written judgment on 30 October 2025 (the “**Judgment**”)

AND UPON the Tribunal having made an order on 20 November 2025 in the London Array Proceedings that the costs of the ROC Issue shall be subject of a separate order, and that there should be a common timetable for costs and submissions in relation to the ROC Issue in both the London Array Proceedings and the Spottiswoode Proceedings.

BY CONSENT IT IS ORDERED THAT:

1. The parties shall seek to agree liability for the costs arising from the Judgment. To the extent they fail so to agree, the parties shall exchange and file written submissions as to the appropriate costs order to be made following the Judgment (including, for these purposes, with whom liability for the London Array Claimants’ costs of the ROC Issue should lie) by no later than 4pm on Friday 12 December 2025, with short reply submissions (if any) to be exchanged and filed by no later than 4pm on Monday 22 December 2025, so that the Tribunal may, if it considers appropriate, determine the appropriate order on the papers.
2. The following further provisions shall apply in relation to the directions under paragraph 1 above:

- (i) Any application by the London Array Claimants that their costs of the ROC Issue should be paid by the Class Representative in the Spottiswoode Proceedings shall be served by 12 December 2025, addressed in the London Array Claimants' costs submissions as due by that date and responded to by the said Class Representative by means of her reply submissions due by 22 December 2025. The said Class Representative shall make clear in such reply submissions whether, in her view, her funding arrangements would cover her against any such liability.
 - (ii) Any application by the London Array Claimants that their costs of the ROC Issue should be paid by the funder of the Class Representative in the Spottiswoode Proceedings does not need to be served in accordance with the timetable in paragraph 1 above.
 - (iii) In the event that the London Array Claimants determine that such an application as is referred to in (ii) above is necessary, the parties shall seek to agree a timetable for the making of such application. In the event that the London Array Claimants determine that no such application is necessary, they shall so inform the Tribunal forthwith.
 - (iv) The Tribunal shall not resolve the issue of liability for the London Array Claimants' costs of the ROC Issue prior to the London Array Claimants either informing the Tribunal that no application against the funder of the Class Representative in the Spottiswoode Proceedings is required or, in the event that such an application is required, such application having been made and all submissions thereupon having been received.
3. Save as set out above, costs reserved. The parties shall address liability for such costs in their submissions to be served in accordance paragraph 1 above.
4. The parties have liberty to apply.

The Honourable Mr Justice Richards
Chair of the Competition Appeal Tribunal

Made: 10 December 2025
Drawn: 10 December 2025