



Neutral citation [2026] CAT 9

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

Case No: 1643/7/7/24

BETWEEN:

**WATERSIDE CLASS LIMITED**

Proposed Class Representative

- v -

**(1) MOWI ASA**  
**(2) MOWI HOLDING AS**  
**(3) GRIEG SEAFOOD ASA**  
**(4) SALMAR ASA**  
**(5) LERØY SEAFOOD GROUP ASA**  
**(6) SCOTTISH SEA FARMS LIMITED**

Proposed Defendants

- and -

**GREEN BRITAIN FOUNDATION**

Proposed Intervener

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**REASONED ORDER**

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**UPON** the Proposed Class Representative's ("PCR") application filed on 20 June 2024 for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules (S.I. 2015 No. 1648) (the "**Tribunal Rules**") (the "**CPO Application**")

**AND UPON** the Tribunal listing a hearing on 4 March 2026 with a time estimate of two days to determine the CPO Application (the "**CPO Hearing**")

**AND UPON** the application of the Green Britain Foundation (“**GBF**”) filed by letter dated 14 January 2026 for permission to make written observations in respect of the CPO Application (the “**Intervention Application**”)

**AND UPON** reading the letter filed on behalf of the Proposed Defendants dated 23 January 2026 in response to the Intervention Application

**IT IS ORDERED THAT:**

1. The Intervention Application is refused.
2. No order as to costs.

**REASONS**

1. The Intervention Application seeks permission on behalf of the GBF to intervene in these proceedings by way of the filing of written observations in respect of the CPO Application. Rule 16 of the Tribunal Rules (“Rule 16”) provides that “any person with sufficient interest in the outcome may make a request to the Tribunal for permission to intervene in the proceedings”. This applies for the purpose of these proposed collective proceedings as per Rules 50 and 74 of the Tribunal Rules.
2. The application of Rule 16 was summarised by Roth J in *Justin Gutmann v Govia Thameslink Railway Limited and Others* [2023] CAT 23 at [7]:

“The application of rule 16 has been considered on a number of occasions by the Tribunal. In *B&M European Value Retail v CMA* [2019] CAT 8, the Tribunal noted that the rule involves a two-stage process. There is, first, the threshold question whether the applicant has shown a ‘sufficient interest’ in the outcome of the proceedings; if that is satisfied, it is then a question of discretion for the Tribunal as to whether to permit an intervention, having regard to the governing principles set out in rule 4. The Tribunal reiterated this approach in *Sabre Corp v CMA* [2020] CAT 16 at [8].”

3. The Intervention Application was made by way of a letter signed by Mr Rupert Evelyn, the Campaign Director of GBF. Mr Evelyn describes GBF as a “UK-based environmental and public-interest organisation whose work includes consumer-facing issues relating to food production, transparency and market integrity”. Further, Mr Evelyn states the following matters in respect of GBF’s work being relevant to whether

common issues arise across the proposed class, whether collective proceedings are appropriate and whether certification would serve the public interest:

“GBF has documented the concentrated and integrated structure of the salmon farming industry, including joint ownership arrangements, overlapping operations, and coordinated public positioning through industry bodies. GBF’s work has also repeatedly encountered challenges in obtaining accurate and timely information from salmon producers concerning matters such as fish mortalities, pollution incidents, chemical treatments and welfare practices. In addition, our investigations have highlighted discrepancies between marketing claims made to consumers and operational realities later established through investigation or regulatory action.”

4. The Proposed Defendants submitted that the GBF does not have sufficient interest in the CPO Application and that the issues upon which the GBF wishes to make written observations are not related to the subject matter of the proposed collective proceedings. The PCR informed the Tribunal by way of its solicitors that it was not intending to make any submissions on the Intervention Application.
5. As to the first limb of Rule 16, I consider that the Intervention Application has not provided adequate reasons to demonstrate that GBF has sufficient interest in the CPO Application. Further, as to the second, discretionary limb, I do not consider that written observations on behalf of the GBF would assist the Tribunal in deciding on the CPO Application.
6. These proposed collective proceedings combine claims arising from the alleged collusion of the Proposed Defendants, in particular through the alleged manipulation of the reference prices for Norwegian Atlantic salmon on the NASDAQ Salmon Index and through alleged unlawful exchange of commercially sensitive information regarding the prices and volumes of sales of Atlantic salmon. The Intervention Application makes no reference to the NASDAQ Salmon Index or the pricing of salmon in the UK. The specific matters to which Mr Evelyn’s letter refers are either irrelevant or tangential to the matters to be determined in these proceedings. Allowing the Intervention Application would lead to the submission of observations which would not assist the Tribunal and would be inconsistent with the Tribunal’s governing principles as set out under Rule 4 of the Tribunal Rules, in particular Rule 4(2)(b) and (e).
7. For these reasons, the Intervention Application is refused.

**Justin Turner KC**

Chair of the Competition Appeal Tribunal

Made: 9 February 2026

Drawn: 10 February 2026