



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1440/7/7/22

BETWEEN:

CLARE MARY JOAN SPOTTISWOODE CBE

Class Representative

- v -

(1) NEXANS FRANCE SAS

(a company incorporated under the laws of France)

(2) NEXANS SA

(a company incorporated under the laws of France)

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

(a company incorporated under the laws of Denmark)

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

(a company incorporated under the laws of Germany)

(5) PRYSMIAN CAVI E SISTEMI SRL

(a company incorporated under the laws of Italy)

(6) PRYSMIAN SPA

(a company incorporated under the laws of Italy)

Defendants

REASONED ORDER (WIDER ROC COSTS)

UPON the trial of the matters listed in the Annex to the Tribunal's Order made on 22 May 2024 (the **ROC Issue**)

AND UPON the Tribunal delivering written judgment on the ROC Issue on 30 October 2025

AND UPON the Defendants applying in their submissions dated 12 December 2025 for costs beyond the trial of the ROC Issues (the **Defendants' Application for Wider ROC Costs**)

AND UPON the Tribunal handing down its judgment dated 3 March 2026 ([2026] CAT 17) on the costs of the ROC Issue

AND UPON the Tribunal making an Order on 5 March 2026 on the costs of the ROC Issue (the **ROC Costs Order**)

AND UPON the Tribunal receiving further written submissions on the Defendants' Application for Wider ROC Costs pursuant to paragraph 7 of the ROC Costs Order

AND UPON the Tribunal handing down its ruling dated 1 May 2026 ([2026] CAT 40) on the Defendants' Application for Wider ROC Costs (the **May 2006 Ruling**), defined terms used in the May 2006 Ruling having the same meaning in this Order unless the context requires otherwise

IT IS ORDERED THAT:

1. The Defendants' Application for Wider ROC Costs is dismissed with the result that the Tribunal will not at this stage make any order requiring the Class Representative to pay Wider ROC Costs incurred by the Defendants.
2. The Defendants shall pay the Class Representative's costs of the Defendants' Application for Wider ROC Costs, to be the subject of detailed assessment on the standard basis if not agreed.
3. The Defendants remain at liberty, following trial of this claim, to seek an award of costs associated with the Class Representative's claims based on ROO09 and ROO10.

REASONS

1. The parties were not agreed as to how this order should reflect the May 2006 Ruling.
2. Clearly, given that ruling, the Defendants' Application for Wider ROC Costs must be dismissed. However, that does not mean that the Defendants will never be entitled to costs associated with the Class Representative's claims based on ROO09 and

ROO10 (see §§22–25 of the May 2006 Ruling). Paragraph 3 of this Order makes this point express.

3. The Defendants’ position is that the costs of the Defendants’ Application for Wider ROC Costs should be “costs in the case”. The Class Representative argues that she should have her costs of successfully defeating that application whatever the outcome at trial.
4. I prefer the Class Representative’s position. The Defendants’ Application for Wider ROC Costs was for more than costs incurred in connection with the trial of preliminary issues. By their application, the Defendants were seeking costs not immediately connected with that trial (see §7 of the May 2006 Ruling that provides some examples of the costs that the Defendants were seeking). Moreover, the Defendants were seeking an award of those costs now, rather than after trial. If the costs sought had been limited to costs of the trial of preliminary issues, there would have been much more force in the argument that costs of the Defendants’ Application for Wider ROC Costs should be “in the case”. Whenever there is a significant trial, costs connected with that trial almost inevitably need to be determined and determining the incidence of those costs will often be appropriately viewed as an overhead cost of the litigation. However, that is not the position with the Defendants’ Application for Wider ROC Costs. The Defendants were not obliged to make that application. Having chosen to do so, and having been unsuccessful, I agree with the Class Representative that it should be treated as a standalone application.
5. I do not accept the Defendants’ point that it is significant that they remain entitled to seek costs associated with the Class Representative’s claim based on ROO09 and ROO10. The point is that the Defendants did not want to wait, chose to apply for an award of those costs now, but were unsuccessful in their application. Nor do I agree that the position would have been different if, as had been hoped, there was time to hear to the Defendants’ Application for Wider ROC Costs at the case management conference held on 23 March 2026. Even if there had been time, and costs of that hearing generally had been “costs in the case”, I would have been sympathetic to a submission by the Class Representative that costs of the Defendants’ Application for Wider ROC Costs should be treated differently.

The Honourable Mr Justice Richards
Chair of the Competition Appeal Tribunal

Made: 4 June 2026
Drawn: 4 June 2026