



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)

(together, the Nexans Defendants)

(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)

(together, the NKT Defendants)

(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)

(together, the Prysmian Defendants)

Defendants

REASONED ORDER (CASE MANAGEMENT)

UPON the application made by the Class Representative dated 24 June 2026

AND UPON the applications made by the Defendants dated 23 June 2026 and 24 June 2026

AND UPON hearing Counsel for the Class Representative, the Nexans Defendants, the NKT Defendants and the Prysmian Defendants at a Case Management Conference on 13 and 14 July 2026

BY CONSENT IT IS ORDERED THAT:

Costs of the Defendants' Application for Wider ROC Costs

1. By 4pm on 11 August 2026, the Defendants shall pay to the Class Representative the sum of £50,000, being the agreed sum for the Class Representative's costs of the Defendants' Application for Wider ROC Costs under paragraph 2 of the Order made on 4 June 2026.

AND IT IS FURTHER ORDERED THAT:

Materials from the Direct Purchaser Proceedings

2. Within seven days from the date of this order, the parties shall write jointly to the solicitors for the relevant claimants in the Direct Purchaser Proceedings (as defined in paragraph 4 of the Order made on 27 April 2026 (the **March CMC Order**)) to seek their consent (or grounds for objection) to the prompt disclosure into the confidentiality ring established in these proceedings of the witness statements served in the Direct Purchaser Proceedings and the tender assessment documents to the extent sought by each of the parties. To the extent that the third parties require payment of their reasonable costs in relation to disclosure of any of the specific documents sought by either party such costs shall be borne by the Class Representative in the first instance (subject to being recoverable in the Proceedings).

Costs budgets

3. By 4pm on 7 September 2026, the parties shall file:
 - (a) updated costs budgets in Precedent H form in respect of all estimated future costs; and
 - (b) a schedule of incurred costs which identifies separately:

(i) the pre-CPO and post-CPO stages of these proceedings; and

(ii) the costs incurred on the ROC preliminary issue,

in each of (i) and (ii) showing, for the relevant category, the division of incurred costs as between solicitors, counsel, experts and other disbursements.

4. By 4pm on 18 December 2026, the Class Representative shall provide the Defendants with a written update on the extent of her adverse costs protection under her ATE insurance.

VoC Excel

5. By 4pm on 7 September 2026, the Defendants shall use reasonable endeavours to complete the population and explanation of the VoC Excel, as ordered pursuant to paragraph 8 of the March CMC Order, with the Defendants to use reasonable endeavours to provide updated versions of the VoC Excel on a rolling basis to the Class Representative in the interim.
6. For the avoidance of doubt: (a) the Defendants are not required to provide the witness statement described in paragraph 8 of the March CMC Order until the conclusion of the process described in paragraph 5 above; and (b) the Class Representative is not obliged to respond to the VoC Excel pursuant to paragraph 8(b) of the March CMC Order until one month after the conclusion of the process described in paragraph 5 above.

Clarification of issues

7. By 4pm on 2 November 2026 the Defendants shall write to the Class Representative identifying any of the projects in the VoC Excel the pricing of which any of the Defendants will seek to allege at trial was for reasons bespoke to the relevant project either (a) not affected by the infringement as described in the Decision; or (b) affected to a materially lesser extent than other projects.

Information and disclosure from the Defendants

8. By 4pm on 14 October 2026, the Defendants shall provide to the Class Representative the relevant financial reports (or other available information) for the supplies identified

in the VoC Excel, to the extent they have not already been provided to the Class Representative. The Defendants shall use reasonable endeavours to provide such disclosure on a rolling basis.

9. By 4pm on 11 December 2026, the Defendants shall disclose any known adverse documents in the categories listed in the Annex to this Order which are not already included in the European Commission investigation file or the OTS Disclosure.

Distribution plan

10. By 4pm on 9 October 2026, the Class Representative shall file an updated distribution plan which confirms her intended method of distribution to the class. If a top-down method of distribution is proposed, then the Class Representative is to provide such confirmation from Ofgem as can reasonably be obtained as to: (a) the prospects of such method being successfully implemented; and (b) the actions that may be required to implement the proposed plan.

Third-party disclosure

11. By 4pm on 19 October 2026, the Class Representative shall make any third-party disclosure applications that she intends to make in these proceedings.
12. By 4pm on 30 November 2026, the Defendants shall make any third-party disclosure applications that they intend to make in these proceedings.
13. The Class Representative and Defendants are to update the Tribunal, as soon as reasonably possible, if any third-party disclosure pursuant to any applications they make is not anticipated to be provided by 26 February 2027 and therefore whether any variation to the resulting timetable is likely to be necessary.

Applications for costs management and decertification

14. By 4pm on 30 October 2026:
 - (a) The Class Representative shall make any application for costs management that she wishes to make.

- (b) The Defendants shall make any application for de-certification by reference to the Class Representative's distribution plan that they wish to make.
15. By 4pm on 11 November 2026, the parties shall file any evidence in response to such applications.
16. A hearing shall be listed for the first available date from 23 November 2026 with a time estimate of one day with one in reserve, for the purposes of considering such applications as may be made pursuant to paragraph 14 above.
17. By 4pm on 15 January 2027, the Defendants shall make any application for de-certification by reference to costs or adequacy of funding, and/or any application in relation to security for costs, that they wish to make.
18. A timetable for exchanging evidence and skeleton arguments in the applications is to be agreed at the November hearing.
19. A hearing shall be provisionally listed for the first available date after 8 February 2027 with a time estimate of one day with one in reserve (to be vacated if not required), for the purposes of considering such applications as may be made pursuant to paragraph 17 above and other matters relating to costs management following from the hearing referred to in paragraph 16 above.

Witness statements for trial

20. By 4pm on 5 March 2027, each party shall serve on every other party witness statements setting out the evidence which the party serving the statement intends to rely on in relation to any issues of fact to be decided at the trial of this claim, together with any notices of intention to rely on hearsay evidence.
21. By 4pm on 16 April 2027, the parties shall serve any witness statements in reply.

Expert reports for trial

22. The allocation of the Defendants' experts to topics in the agreed list of issues set out in paragraph 10 of the March CMC Order shall be varied so that issue 5 (pass-on by class

members) and issues 6(b)-(f) shall be addressed by Mr Holt rather than Dr Davis. Dr Davis shall address issues 2 and 3.

23. By 4pm on 26 February 2027 Mr Druce (for the Class Representative) and Dr Davis (for the Defendants), being the experts instructed to address issue 3 (overcharge), shall use reasonable endeavours to agree a dataset for the purposes of their overcharge analyses. The dataset may be amended after that date only if both experts agree in writing to that amendment.
24. By 4pm on 4 June 2027, the Class Representative shall serve her expert reports for the trial of this claim.
25. By 4pm on 8 October 2027, the Defendants shall serve their expert reports.
26. By 4pm on 31 December 2027 the Class Representative shall serve any expert reports in reply.
27. The experts shall thereafter hold a discussion or discussions for the purpose of: (a) identifying and further narrowing the issues, if any, remaining between them; and (b) where possible, reaching agreement on those issues.
28. By 4pm on 11 February 2028, the experts shall prepare and file:
 - (a) joint statements, showing (i) those issues on which they agree; (ii) those issues on which they disagree; (iii) a summary outline of their reasons for disagreeing; and (iv) explanations of the materiality of the issues on which the experts disagree; and
 - (b) the common dataset agreed pursuant to paragraph 23 above.

The experts shall agree an appropriate page limit for the joint statements, to be proposed for the Tribunal's approval at a later stage.

29. By 4pm on 31 March 2028, the Class Representative's expert and the Defendants experts collectively are each to file and serve a trial expert report following a common structure and intended as a concise standalone articulation of the experts' refined opinions on the key issues identified in the joint statement (not merely by cross-

reference to earlier reports). The experts shall agree an appropriate page limit for these trial expert reports, to be proposed for the Tribunal's approval at a later stage.

PTR

30. A pre-trial review be listed on 7 March 2028 with a time estimate of one day.

Trial

31. By 4pm on 6 March 2028, the Class Representative shall send draft trial bundle indices to the Defendants.
32. By 4pm on 20 March 2028, the Defendants shall provide the Class Representative with comments on the draft trial bundle indices.
33. By 4pm on 3 April 2028, the Class Representative shall file and serve an agreed set of trial bundles.
34. By 4pm on 15 May 2028, the parties shall exchange and file skeleton arguments for trial.
35. The trial of the claim be listed to commence on 5 June 2028 with a time estimate of seven to eight weeks.

Costs

36. Costs in the case.

REASONS

1. The parties did not agree on the final form of order to give effect to my judgment following the CMC on 13 and 14 July 2026 and I resolve those differences as set out below.
2. In relation to paragraph 2, I largely agree with the Defendants' position save that the approach to third parties should only be for documents "to the extent sought by each of the parties" as the Class Representative proposes. Reasons for my decision are set out in the transcript of judgment that deals with this issue.

3. As regards paragraph 4, I agree with the Defendants. The order does not require the Class Representative to pay for additional ATE cover, just to update the Defendants on the level of cover to enable them to consider whether to de-certify on the basis that the cover is inadequate.
4. In relation to paragraph 7, I consider 2 November 2026 to be an appropriate compromise date.
5. In relation to paragraph 9, I consider 11 December 2026 to be an appropriate deadline given the difficulties the Defendants identify with any search for known adverse documents.
6. As regards other case management milestones, there should have been much more co-operation between the parties on this issue. The Class Representative's position that those milestones set out in the Defendants' draft order should be rigidly adhered to simply because I said, as a general matter that I preferred the Defendants' timetable, fails to take into account that I substantially amended the Defendants' proposals with my requirement for trial expert reports. The parties should have worked together to seek to agree what, realistically, this meant for the timetable as a whole. The Defendants have sought to do that and I have therefore adopted their suggestions on milestones.

The Honourable Mr Justice Jonathan Richards
Chair of the Competition Appeal Tribunal

Made: 6 August 2026
Drawn: 6 August 2026

ANNEX

Categories for disclosure of known adverse documents

Documents relating to the impact of the cartel

1. For the period 18 February 1999 to 29 January 2009 concerning products and services used for electricity supply in Great Britain within the scope of the Commission Decision:
 - (a) any communications within or between the Defendants and any other companies belonging to their corporate group or any other parties who were addressees of the Commission Decision described in the Claim Form relating to the communication of pricing intentions and/or any other anti-competitive behaviour; and
 - (b) any documents relating to the issue of whether or not to supply or tender or negotiate to supply the relevant projects in view of prior anti-competitive arrangements or understandings with any of the parties referred to in (a) above.

Pricing, bidding and supply policies and practices

2. For the period 18 February 1999 to 29 January 2009:
 - (a) documents evidencing the Defendants' pricing, bidding and supply policies and practices:
 - (i) specifically in relation to projects concerning products and services within the scope of the Commission's Decision used for electricity supply in Great Britain, and
 - (ii) more generally but which have relevance to such products and services used for electricity supply in Great Britain; and
 - (b) documents evidencing the extent to which any of these policies and practices may have been impacted by the Cartel described in the Claim Form.