



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1248/5/7/16

PEUGEOT S.A. AND OTHERS

Claimants

-v-

(1) NSK LTD.
(2) NSK EUROPE LTD.
(3) NTN CORPORATION
~~(4) JTEKT CORPORATION~~
(5) AB SKF
~~(6) INA HOLDING SCHAEFFLER GMBH & CO. KG~~
~~(7) SCHAEFFLER HOLDING GMBH & CO. KG~~
~~(8) SCHAEFFLER AG~~

Defendants

ORDER

UPON considering the Claimants' application of 31 January 2018 for permission to amend the re-amended claim form filed on 30 November 2016 pursuant to the Tribunal's Order dated 25 November 2016 (the "**Re-re-amended Claim Form**") pursuant to Rule 32(1)(b) of the Competition Appeal Tribunal Rules 2015 (SI.2015 No.1648) (the "**Tribunal Rules**")

AND UPON considering the Claimants' and Defendants' written submissions concerning the timetable for filing and service of amended defences and replies

AND HAVING REGARD TO the Tribunal's powers under the Tribunal Rules

IT IS ORDERED THAT:

1. Pursuant to Rule 32(1)(b) of the Tribunal Rules the Claimants be granted permission to amend the re-amended Claim Form filed by them on 30 November 2016 in the form appended to the letter from the solicitors for the Claimants to the Tribunal dated 31 January 2018.

2. The Defendants may each file and serve amended Defences by 5pm on 19 February 2018.
3. The Claimants may file and serve amended Replies by 5pm on 5 March 2018.
4. The Claimants shall pay each of the Defendants' reasonable costs of and occasioned by the re-re-amended Claim Form.

REASONS

This case is a "follow-on" claim for damages arising from a European Commission decision dated 19 March 2014 which found a cartel in the sector of automotive bearings. These proceedings are now well advanced: factual evidence has been exchanged, the claimants have filed their expert evidence, the defendants' responsive expert evidence is due imminently, a Pre-Trial Review is listed for 27 March 2018 and a six week trial will start on 16 April 2018.

The Claimants now seek permission to amend their claim to reflect portions of their factual and expert evidence. The amendments are confined with some amendments concerning the intra-group purchasing arrangements of the Claimants and others narrowing the scope of the claim. A finalised draft of the Re-re-amended Claim Form was served on the Defendants on 12 January 2018. Earlier drafts were provided to the Defendants during the course of late 2017.

A dispute arises as to the timing of subsequent amended pleadings: an amended defence and an amended reply. The Claimants contend that the Defendants should have five weeks from the service of the finalised draft Re-re-amended Claim Form in which to serve their amended Defences (i.e. until 16 February 2018). The Defendants initially sought seven weeks (i.e. until 2 March 2018) but later suggested that the Tribunal should split the difference and order amended defences be served three weeks after service of the Re-re-amended Claim Form (i.e. on a date on or after 26 February 2018, the precise date depending upon how soon the Claimants' solicitors would be in a position to serve the Re-re-amended Claim Form once permission was granted).

I have ordered that the amended defences be served by 19 February 2018. Any amended replies should be served on 5 March 2018. A period of just over five weeks is fair and appropriate given the limited nature of the amendments and the fact that the Defendants have been aware of the nature of the amendments for some considerable time. Given the imminence of the approaching trial it is important to reduce the scope of the dispute between the parties. The parties will be expected to work to tight deadlines to ensure that the trial is run efficiently.

The Honourable Mr Justice Green
Chairman of the Competition Appeal Tribunal

Made: 6 February 2018
Drawn: 6 February 2018