



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 the parties having indicated in correspondence that they consent to the terms of this Order

AND HAVING REGARD TO the Tribunal's powers under the Competition Appeal Tribunal Rules 2015 (SI. 2015 No. 1648) (the "**Tribunal Rules**")

AND UPON considering the Claimants' application for permission to re-amend the amended claim form filed on 19 September 2016 pursuant to the Tribunal's Order of 8 September 2016 granting permission to amend the claim form filed on 25 February 2016 (the "**Amended Claim Form**") pursuant to Rule 32(1)(b) of the Tribunal Rules

IT IS ORDERED BY CONSENT THAT:

1. At their meeting on 13 December 2016 (the "**Experts' Meeting**") the parties' experts are to discuss, in addition to anything else that they consider appropriate, their proposed approaches to the economic issues arising in this claim and the appropriate disclosure relevant to such issues, including in particular (but without limitation):
 - (a) the benefits and limitations, as well as feasibility, of conducting a comparative analysis of the prices of bearings in other markets unaffected by unlawful anticompetitive behaviour identified in the

European Commission's decision of 19 March 2014 in Case COMP/39922 – *Bearings* (the “**Commission’s Decision**”);

- (b) the benefits and limitations, as well as feasibility, of conducting a comparative analysis of the prices of bearings before, during and after the infringement period identified in the Commission’s Decision;
 - (c) the form or forms of economic analysis most appropriate for the issue of the passing on of any alleged overcharge in this claim;
 - (d) the nature of the evidence (including databases) which, so far as the experts are aware, each party already has readily available which may be relevant to the resolution of the economic issues arising in this claim;
 - (e) the nature of the evidence (including databases) which, so far as the experts are aware, exists in each party’s possession or control and which may be relevant to the resolution of the economic issues arising in this claim but which each party does not have readily available;
 - (f) what evidence (including data), i.e. the materials falling within (d) and (e) above, it would be appropriate for the parties to disclose to facilitate the resolution of the economic issues arising in this claim as well as:
 - i. the appropriate format for disclosure of that evidence; and
 - ii. the proposed timetable for disclosing that evidence, including if appropriate a staged timetable.
2. For the purposes of paragraph 1 above, evidence is considered to be “readily available” if it does not need to be specifically created for such purposes and is capable of being disclosed within approximately 7 days of the Experts’ Meeting or the date when the exact content of and appropriate format for disclosure of that evidence is confirmed (if later).
 3. By 4pm on 16 December 2016, the Defendants are to file and serve updated Disclosure Reports, and the Third Defendant is to file and serve an updated Electronic Disclosure Questionnaire, compliant with Rule 60 of the Tribunal Rules.
 4. By 4pm on 20 December 2016, the parties’ experts are to produce a memorandum explaining their agreement, and any disagreements, on the matters set out at 1(a)-(f) above.
 5. The parties are to seek to agree upon the appropriate order for disclosure by 4pm on 5 January 2017.
 6. The parties are to file and serve any written submissions relating to the hearing listed for 11-12 January 2017 by 4pm on 9 January 2017

7. Costs in the case.

The Honourable Mr Justice Green
Chairman of the Competition Appeal Tribunal

Made: 29 November 2016
Drawn: 29 November 2016