



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1340/5/7/20 (T)

BETWEEN

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Claimant

-v-

- (1) ABB LTD**
- (2) ABB POWER T&D LIMITED**
- (3) ABB LIMITED**
- (4) ABB HOLDINGS LIMITED**
- (5) ABB AB**
- (6) ABB ASEA BROWN BOVERI LTD**
- (7) ABB NORDEN HOLDING AB**
- (8) ABB AG**
- (9) ABB BETEILIGUNGSUND VERWALTUNGSGESELLSCHAFT MBH**
- (10) NKT HOLDING A/S**
- (11) NKT CABLES LIMITED**
- (12) NKT CABLES A/S**
- (13) NKT CABLES GROUP A/S**
- (13) NKT CABLES GROUP A/S**
- (14) NKT CABLES GMBH**
- (15) PRYSMIAN S.P.A**
- (16) PRYSMIAN CONSTRUCTION COMPANY LIMITED**
- (17) PRYSMIAN CABLES (2000) LIMITED**
- (18) PRYSMIAN CABLES & SYSTEMS LIMITED**
- (19) PRYSMIAN CAVI E SISTEMI SRL**
- (20) SAFRAN SA**

Defendants

ORDER

UPON READING the application notice filed on behalf of the Claimant (“**NGET**”) on 19 October 2020 and the application notice filed on behalf of the Fifteenth to Nineteenth Defendants (the “**Prysmian Defendants**”)

AND UPON HEARING Counsel for NGET and the Prysmian Defendants at a resumed Pre-Trial Review hearing on 23 October 2020 (“**the PTR**”)

AND UPON READING the other documents on the Tribunal file recorded as having been read

IT IS ORDERED THAT:

Evidence

1. NGET may rely on the second witness statement of Hedd Roberts, dated 12 October 2020.
2. Mr Fabio Romeo be permitted to give his evidence at trial on behalf of the Prysmian Defendants via video-link.
3. To the extent that Mr John Davies is required to self-isolate upon entering the United Kingdom from France pursuant to the Health Protection (Coronavirus, International Travel)(England) Regulations 2020, he is permitted to leave the place where he is self-isolating during the period of self-isolation prescribed by Regulation 4(7), in order to give his evidence to the Tribunal.

Confidentiality

4. The confidentiality order of the High Court dated 27 October 2016 (“**the Confidentiality Order**”)) is varied as follows:
 - (a) Any document disclosed in these proceedings which has been designated as either ‘Inner Confidentiality Ring Information’ (as defined in paragraph 1.4 of the Confidentiality Order), or as ‘Outer Confidentiality Ring Information’ (as defined in paragraph 1.5 of the Confidentiality Order) may be shown to a witness in the course of their oral evidence, where the Tribunal is sitting in closed session and the

party on whose behalf the witness appears either disclosed the document, or is otherwise entitled to see it;

(b) Any Confidential Commission Document, as defined in paragraph 1.1 of the Confidentiality Order, may be treated as non-confidential, provided that:

- (i) the document is marked as 'NON-CONFIDENTIAL VERSION'; and
- (ii) NGET has notified the party from whom the Commission obtained the document, identifying the document in question, at least 5 clear days prior to it being treated as non-confidential; and
- (iii) the party who provided the document has not sought and been granted further protection for its information by the Tribunal.

5. Any documents read to, or by, the Tribunal, or referred to by the parties' Counsel, at the PTR, which have been designated as containing Confidential Information (as defined in paragraph 1.2 of the Confidentiality Order) shall remain subject to the protections set out in that Confidentiality Order.

Further matters

6. Liberty to apply.

7. All costs of the PTR shall be costs in the case.

Mr Justice Trower
Chairman of the Competition Appeal Tribunal

Made: 23 October 2020
Drawn: 30 October 2020