



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1370/5/7/20 (T)

BETWEEN

- (1) VATTENFALL AB
- (2) VATTENFALL ELDISTRIBUTION AB
- (3) VATTENFALL VINDKRAFT AB
- (7) VÄSTERBERGSLAGENS ELNÄT AB
- (8) THANET OFFSHORE WIND LIMITED
- (10) ORMONDE ENERGY LIMITED
- (11) VATTENFALL A/S
- (12) VATTENFALL VINDKRAFT A/S
- (13) DOTI DEUTSCHE OFFSHORE-TESTFELD UND
INFRASTRUKTUR GMBH & CO KG
- (14) STROMNETZ BERLIN GMBH
- (15) NOORDZEEWIND CV

Claimants

- and -

- (1) PRYSMIAN S.P.A.
- (2) PRYSMIAN POWERLINK S.R.L.
- (3) PRYSMIAN CABLES & SYSTEMS LTD
- (4) PRYSMIAN GROUP FINLAND OY
- (5) PRYSMIAN KABEL UND SYSTEME GMBH
- (8) PRYSMIAN CAVI E SISTEMI SRL

Defendants

- and -

- (1) NEXANS FRANCE SAS
- (2) NEXANS SA

Third Parties

CONSENT ORDER

UPON the Claimants, Defendants and Third Parties having agreed the terms of this Order

AND HAVING REGARD TO the Order of Mr Justice Adam Johnson dated 13 October 2020; as amended by the Order of the Honourable Mr Justice Trower dated 22 January 2021, as amended by the Order of the Honourable Mrs Justice Joanna Smith dated 27 May 2021, as amended by the Order of the Honourable Mrs Justice Joanna Smith dated 18 August 2021, as amended by the Order of the Honourable Mrs Justice Joanna Smith dated 29 November 2021 (the “**29 November Order**”)

AND NOTING THAT due to health reasons one of the witnesses for the Claimants is unable to finalise their witness statement until at least February 2022. The topic of this witness statement is limited to the Claimants’ internal procurement process for onshore power cables (the “**Outstanding Witness Statement**”)

IT IS ORDERED BY CONSENT THAT:

1. The 29 November Order be varied as follows:

a) The wording at paragraph 1(a) be replaced with:

“a) The wording at paragraph 9 be replaced with:

- i. By 4pm on 26 January 2022 the Parties shall exchange signed statements of witnesses of fact and hearsay notices where required by CPR 33.2;*
- ii. Except that the Claimants shall serve the Outstanding Witness Statement as soon as practicable after the deadline in the paragraph above and in any event no later than 4pm on 18 February 2022.”*

b) The wording at paragraph 1(b) be replaced with:

“b) The wording at paragraph 10 be replaced with:

- i. By 4pm on 18 February 2022 the Parties shall exchange signed reply statements of witnesses of fact;*
- ii. Except that the Defendants and Third Parties shall serve any factual witness statements that reply to the Outstanding Witness Statement by 4pm three weeks after the Outstanding Witness Statement is served by the Claimants.”*

The Honourable Mrs Justice Joanna Smith
Chairman of the Competition Appeal Tribunal

Made: 12 January 2022
Drawn: 13 January 2022