



[2013] CAT 19

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1173/5/7/10

BETWEEN:

- (1) **DEUTSCHE BAHN AG**
- (2) **DB NETZ AG**
- (3) **DB ENERGIE GMBH**
- (4) **DB REGIO AG**
- (5) **S-BAHN BERLIN GMBH**
- (6) **S-BAHN HAMBURG GMBH**
- (7) **DB REGIO NRW GMBH**
- (8) **DB KOMMUNIKATIONSTECHNIK GMBH**
- (9) **DB SCHENKER RAIL DEUTSCHLAND AG**
- (10) **DB BAHNBAU GRUPPE GMBH**
- (11) **DB FAHRZEUGINSTANDHALTUNG GMBH**
- (12) **DB FERNVERKEHR AG**
- (13) **DB SCHENKER RAIL (UK) LTD**
- (14) **LOADHAUL LIMITED**
- (15) **MAINLINE FREIGHT LIMITED**
- (16) **RAIL EXPRESS SYSTEMS LIMITED**
- (17) **ENGLISH WELSH & SCOTTISH RAILWAY INTERNATIONAL LIMITED**
- (18) **EMEF - EMPRESA DE MANUTENÇÃO DE EQUIPAMENTO FERROVIÁRIO SA**
- (19) **CP - COMBOIOS DE PORTUGAL E.P.E.**
- (20) **METRO DE MADRID, S.A.**
- ~~(21) **ANGEL TRAINS LIMITED**~~
- (21) **NV NEDERLANDSE SPOORWEGEN**
- (22) **NEDTRAIN B.V.**
- (23) **NEDTRAIN EMATECH B.V.**
- (24) **NS REIZIGERS B.V.**
- (25) **DB SCHENKER RAIL NEDERLAND N.V.**
- (26) **TRENITALIA, S.P.A.**
- (27) **RETE FERROVIARIA ITALIANA, S.P.A.**
- (28) **NORGES STATSبانER AS**
- (29) **EUROMAINT RAIL AB**
- (30) **GÖTEBORGS SPÅRVÄGAR AB**

Claimants

- and -

- (1) **MORGAN ADVANCED MATERIALS PLC (formerly MORGAN CRUCIBLE COMPANY PLC)**
- (2) **SCHUNK GMBH**
- (3) **SCHUNK KOHLENSTOFFTECHNIK GMBH**
- (4) **SGL CARBON SE (formerly SGL CARBON AG)**
- (5) **MERSEN SA (formerly LE CARBONE-LORRAINE SA)**
- (6) **HOFFMANN & CO ELEKTROKOHLE AG**

Defendants

ORDER OF THE CHAIRMAN (TIME FOR SEEKING PERMISSION TO APPEAL)

UPON the Thirteenth to Seventeenth Claimants (the “UK Claimants”) applying on 13 June 2013 to lift the stay in respect of their claims as against the Second to Sixth Defendants (the “Defendants”)

AND UPON the Tribunal granting the UK Claimants’ application by its Ruling ([2013] CAT 18) dated 15 August 2013 (the “Ruling”) for the reasons given therein

AND UPON the Tribunal abridging the period for seeking permission to appeal the Ruling (see paragraph 96(2) of the Ruling)

AND UPON the Defendants applying on 22 August 2013 (the “Application”) for a one week extension to the period for applying for permission to appeal the Ruling, on the basis that (i) summer vacation is posing difficulties for the Defendants and their counsel and (ii) a one week extension will cause the UK Claimants no real prejudice

AND UPON the UK Claimants informing the Tribunal on 23 August 2013 that they oppose the Application and consider the abridgement of time appropriate for the reasons given by the Tribunal at paragraph 95 of the Ruling

IT IS ORDERED THAT:

1. The Application be granted and any application for permission to appeal the Ruling be filed and served by not later than 5pm on 6 September 2013.
2. There be liberty to apply.

REASONS

The Tribunal was, and remains, of the view that a considerable amount of the work for any permission application will already have been carried out, given the detailed submissions we received in advance of handing down the Ruling. Although I note the UK Claimants’ opposition to the Application, little prejudice will be caused by a short extension for the period sought and I recognise that the vacation period can cause difficulties for the parties with availability of their advisors. Accordingly, the short extension sought is granted.