



**IN THE COMPETITION APPEAL TRIBUNAL**

Case No: 1440/7/7/22

BETWEEN:

**CLARE MARY JOAN SPOTTISWOODE CBE**

Class Representative / Applicant

- v -

- (1) **NEXANS FRANCE S.A.S.**  
(a company incorporated under the laws of France)  
(2) **NEXANS S.A.**  
(a company incorporated under the laws of France)  
(3) **NKT A/S (formerly NKT HOLDING A/S)**  
(a company incorporated under the laws of Denmark)  
(4) **NKT VERWALTUNGS GMBH (formerly NKT CABLES GMBH)**  
(a company incorporated under the laws of Germany)  
(5) **PRYSMIAN CAVI E SISTEMI S.R.L.**  
(a company incorporated under the laws of Italy)  
(6) **PRYSMIAN S.P.A.**  
(a company incorporated under the laws of Italy)

Defendants

- and -

**THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO**

Respondent

Case No: 1518/5/7/22

BETWEEN:

- (1) **LONDON ARRAY LIMITED**  
(2) **RWE RENEWABLES UK LONDON ARRAY LIMITED (FORMERLY KNOWN AS E.ON CLIMATE & RENEWABLES UK LONDON ARRAY LIMITED)**  
(3) **ORSTED LONDON ARRAY LIMITED (FORMERLY KNOWN AS DONG ENERGY LONDON ARRAY LIMITED)**  
(4) **ORSTED LONDON ARRAY II LIMITED (FORMERLY KNOWN AS DONG ENERGY LONDON ARRAY II LIMITED)**  
(5) **MASDAR ENERGY UK LIMITED**

Claimants

- v -

- (1) **NEXANS FRANCE S.A.S.**  
(2) **NEXANS S.A.**

Defendants

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**ORDER (THIRD-PARTY DISCLOSURE)**

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**UPON** reading the application by the Class Representative, pursuant to Rules 53(2)(l) and 63 of the Competition Appeal Tribunal Rules 2015 and paragraph 6 of the case management order made on 22 May 2024 (the “**CMC Order**”), for disclosure and production of documents by the Respondent third party (the “**Application**”)

**AND UPON** the other parties to these proceedings not opposing the Application

**AND UPON** the Respondent not opposing the Application

**AND UPON** the Tribunal making alongside this order a confidentiality ring order for the purposes of the determination of the ROC Issue (as defined in paragraph 1 of the CMC Order) (the “**ROC CRO**”)

**IT IS ORDERED THAT:**

1. By 16 August 2024, the Respondent shall provide to the Class Representative disclosure and inspection of the set of documents which were identified pursuant to the search described in paragraphs 4 to 9 of the email from the Government Legal Department of 15.24 on 5 July 2024.
2. When making such disclosure, the Respondent shall specify any of those documents:
  - (a) which are no longer in his control; and
  - (b) in respect of which he claims a right or duty to withhold inspection.
3. The documents so provided shall be treated as Outer Confidentiality Ring Information pursuant to the ROC CRO, subject to the provisions for re-designation in the ROC CRO, and subject to further order of the Tribunal.
4. Forthwith following receipt, the Class Representative shall supply copies of the said documents to the solicitors for the other parties to these proceedings, to be held (subject to re-designation or further order) as Outer Confidentiality Ring Information pursuant to the ROC CRO.

5. Further disclosure applications in relation to the ROC Issue which are informed by the disclosure made pursuant to this Order may be made after 15 July 2024, notwithstanding paragraph 6 of the CMC Order, provided such further disclosure applications are made no later than 2 months after the date on which disclosure is received from the Respondent pursuant to paragraph 1 of this Order.
  
6. The Class Representative shall pay the Respondent's costs of and occasioned by this Application and of compliance with this Order, to be assessed if not agreed, and without prejudice to the possibility of the Class Representative recovering those costs from another party or parties in Case 1440/7/7/22 following the determination of the ROC Issue.

**Andrew Lenon KC**  
Chair of the Competition Appeal Tribunal

Made: 18 July 2024  
Drawn: 18 July 2024