



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1702/5/7/25 (T)

BETWEEN:

LENZING AG & OTHERS

Claimants

- v -

WESTLAKE VINNOLIT GMBH & CO. KG & OTHERS

Defendants

Part 20 Claimants/Defendants

ORDER

UPON the Claimants issuing their Claim form in the High Court, Chancery Division on 11 July 2023 under Claim No. CP-2023-000011 and the proceedings being transferred to the Competition Appeal Tribunal (the “**Tribunal**”) pursuant to the Order of Master Clark dated 10 January 2025

AND UPON the Tribunal listing a case management conference (“**CMC1**”) in the proceedings on 12 May 2025

AND UPON the Claimants’ application for case management directions by letter to the Tribunal dated 3 April 2025

AND UPON the application for case management directions made by the First to Third and Fifth and Sixth Defendants (together the “**Westlake Defendants**”) by letter to the Tribunal dated 3 April 2025

AND UPON the letter to the Tribunal dated 3 April 2025 from the Seventh to Thirteenth Defendants (together the “**II Defendants**”) containing the II Defendants’ proposed case management directions

AND UPON the Tribunal having heard Counsel for the Claimants, Leading Counsel for the Westlake Defendants and Leading Counsel for the II Defendants at CMC1

IT IS ORDERED THAT:

A: FORUM

1. Pursuant to Rules 52 and 18 of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”), the forum of these proceedings is England and Wales.

B: DISCLOSURE AND INSPECTION OF DOCUMENTS

2. By **5:00pm** on **12 August 2025**, the parties shall each file and serve Electronic Documents Questionnaires and Disclosure Reports (as defined in Rule 60 of the Tribunal Rules).
3. By **5:00pm** on **5 September 2025**, the parties shall each prepare and exchange reasoned disclosure requests, including proposals as to the nature and scope of proposed searches, in the form of Redfern schedules (one schedule containing the Claimants’ requests, and a separate joint schedule containing the Defendants’ requests).
4. By **5:00pm** on **19 September 2025**, the parties shall each prepare and exchange their responses (if any) to each other’s Redfern schedules, including a reasoned explanation of any areas of disagreement in respect of disclosure requests.
5. By **5:00pm** on **10 October 2025**, the parties shall each prepare and exchange their replies (if any) to each other’s responses to the Redfern schedules. In their replies, the parties will identify any outstanding areas of disagreement with summary reasons in respect of disclosure requests.
6. By no later than **5:00pm** on **7 November 2025**, the parties shall meet to seek to resolve (so far as possible) any outstanding areas of disagreement in respect of the Redfern schedules.
7. By **5:00pm** on **12 December 2025**, the parties shall each file and serve composite Redfern schedules, identifying the areas of agreement and any remaining areas of disagreement.

8. Disclosure is to be given on a rolling basis and in tranches, whereby disclosure of categories of documents shall be provided as soon as reasonably practicable following agreement in the Redfern schedules of the categories concerned and the nature and scope of the proposed searches to be undertaken. The parties are to prioritise the provision of disclosure of the categories in the Annex to this Order.

C: NON-PARTY DISCLOSURE

9. The Claimants shall write to IHS Markit Limited (“IHS”) as soon as possible informing it of this Order and enclosing relevant extracts of the CMC1 transcript, as well as informing it of the possibility that the Claimants may make an application for non-party disclosure in connection with these proceedings. The Claimants shall make any application for non-party disclosure from IHS, if so advised, as soon as reasonably practicable following disclosure by the Defendants in respect of disclosure categories 5(a) and (b) set out in the Annex to this Order.

D: FURTHER CASE MANAGEMENT CONFERENCE

10. **By 5:00pm on 9 January 2026:**

- (a) The Claimants shall file the following documents (with the parties having used reasonable endeavours to agree their contents):
 - (i) An agenda for the further case management conference (“CMC2”) referred to in paragraph 13 below.
 - (ii) An updated chronology.
 - (iii) An updated list of issues for trial.
 - (iv) A dramatis personae.
- (b) The parties shall file and serve any applications (including any accompanying evidence) for determination at CMC2, including applications for permission to rely on expert evidence, indicating the names of the proposed experts, their

fields of expertise, the issues which it is proposed that their evidence shall cover, and (where applicable) a short statement from each of the experts setting out their proposed provisional methodology.

- (c) Insofar as the Defendants wish to instruct separate experts in any discipline(s), their applications shall explain why such permission is sought. Insofar as the Claimants wish to oppose the instruction of separate experts in any discipline(s), their response to any such applications shall explain the basis for this.

11. By **5:00pm** on **23 January 2026**, the parties shall file and serve any evidence in response to applications filed and served pursuant to paragraph 10(b) above.

12. By **12 noon** on **2 February 2026**:

- (a) The Claimants shall lodge electronic and hard copy hearing bundles for CMC2, with the parties having used reasonable endeavours to agree the contents.

- (b) The parties shall lodge and exchange their skeleton arguments for CMC2, fully cross references to the CMC2 hearing bundle.

13. CMC2 shall be listed for one day on **6 February 2026**.

E: TRIAL LISTING

14. The trial shall be listed to commence on **3 May 2027**, with a provisional time estimate of 6 weeks sitting four days a week (and not sitting on Fridays unless otherwise directed by the Tribunal prior to or during).

F: OTHER

15. By agreement the parties may vary without further order any deadline in this Order for a period or periods of up to 14 days total without reference to the Tribunal, provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the date of CMC2 or the trial.

16. Costs in the case.

17. The parties have liberty to apply.

Mr Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 17 May 2025

Drawn: 19 May 2025

ANNEX: PRIORITY DISCLOSURE CATEGORIES

For the period July 2017 to February 2021:

1. The Claimants and the Defendants shall give disclosure of documents containing the supply arrangements in respect of caustic soda between the Claimants, the II Defendants and the Westlake Defendants.
2. The Claimants shall give disclosure of documents containing their supply arrangements in respect of caustic soda with the Dow, Covestro and Nobian corporate groups.
3. The Claimants and the Defendants (insofar as the allegations referred to below relate to them) shall give disclosure of negotiating documents concerning:
 - a. The Claimants' allegation at APOC §33 that the Westlake Defendants, the II Defendants and other suppliers of caustic soda "*ultimately required pricing to be determined by caustic soda price indices produced by IHS Markit Limited*";
 - b. The Claimants' allegation at APOC §41(f) that the Westlake Defendants, the II Defendants and other suppliers of caustic soda rejected proposals for price caps, floors and discounts; and
 - c. The Claimants' allegation at Reply to Westlake Defence §9(b)(i) and Reply to II Defence §7(a)(i) that the Claimants repeatedly requested the Defendants to move away from the IHS Index.
4. The Claimants and the Defendants shall give disclosure of press releases and annual reports concerning the profits and market shares of European suppliers of caustic soda in connection with the Claimants' allegation at APOC §41(k).
5. Each Defendant shall give disclosure of:
 - a. Communications (if any) between it and IHS in respect of the compilation of the IHS Index, including (without prejudice to the generality of the foregoing) any written records of interviews between it and IHS.

- b. Internal communications and documents prepared by it in connection with the preparation and provision of information to IHS.
- c. Relevant extracts of its management and audited accounts containing revenues, costs and gross margins in respect of its European caustic soda business.
- d. Committee papers and/or minutes discussing its profitability and/or market shares in respect of the production and/or supply of caustic soda in Europe.
- e. Committee papers and/or minutes discussing the impacts of the mercury phase-out (as referred to at APOC § 41(a)) on caustic soda pricing.