



Case No: 1379/5/7/20

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

**B E T W E E N:**

**KERILEE INVESTMENTS LIMITED**

Claimant

**AND**

**INTERNATIONAL TIN ASSOCIATION LIMITED**

Defendant

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**ORDER**

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**UPON** the parties having amended their pleadings pursuant to paragraphs 1 to 3 of the Order of the Honourable Mr Justice Butcher dated 30 July 2024 (the “**Directions Order**”)

**AND UPON** paragraph 4 of the Directions Order requiring the parties to file amendments to the order for preliminary issues set out at paragraph 7 of the Order of the Honourable Mr Justice Butcher dated 29 October 2021 (the “**Preliminary Issues Order**”)

**AND UPON READING** the correspondence from the parties regarding the impact of the amendments to the pleadings on the scope of paragraph 7 of the Preliminary Issues Order

**IT IS ORDERED THAT:**

1. Paragraph 7 of the Preliminary Issues Order shall be amended as follows:

“There shall be a hearing of the following preliminary issues:

1. What are the relevant markets for the purposes of these proceedings? In particular:
  - a. Is there a single product market which covers the entire supply chain for ~~all three of the~~ each of the three minerals tin, tantalum and tungsten ~~collectively, originating in Burundi, the DRC, Rwanda and Uganda~~, as alleged in Amended Claim §§27-28? Or are there separate markets as alleged in Defence §35 for at least the following levels of the supply chain; ~~for each of tin, tantalum and tungsten separately, and irrespective of their country of origin:~~
    - i. mining and processing of ores and/or concentrates;
    - ii. exports of concentrates for smelting or other equivalent first stage production processes;
    - iii. purchasing for further processing and/or transformation and/or use any of the metals and/or intermediates and/or metals products (as relevant for each mineral); and/or
    - iv. purchasing any of the further converted or transformed products downstream?
  - b. What is the geographic scope of the market(s) identified in (a) above? Which, if any, include the UK and/or the EU?
  - c. Is there a single market for services of the sort supplied by the Defendant, which includes the supply of services to undertakings throughout the entire supply chain for tin, tantalum and tungsten ~~collectively~~, as alleged by the Claimant in Amended Claim §30? Or is there a separate market complementary to each of the mining and processing market(s) and the export market(s), as alleged by the Defendant in Amended Defence §40?
  - d. What is the geographic scope of the market(s) identified in (c) above? Which, if any, include the UK and/or the EU?

2. If the Defendant were to have engaged in the putative conduct alleged in the Amended Claim, would the market affected or likely to be affected by that conduct be in the UK, for the purposes of English law being applicable under Article 6(3) of Regulation 864/2007 (“Rome II”)?”

2. Liberty to apply.

**The Honourable Mr Justice Butcher**

Made: 2 September 2024

Chair of the Competition Appeal Tribunal

Drawn: 2 September 2024