



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

Third Party / 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

ORDER (DISCLOSURE)

UPON reading the application by the Class Representative dated 16 October 2024 for disclosure and production of documents by the Secretary of State for Energy Security and Net Zero pursuant to Rules 53(2)(1) and 63 of the Competition Appeal Tribunal Rules 2015 (the “**Application**”)

IT IS ORDERED THAT:

1. Within 7 days, the Respondent shall provide to the Class Representative disclosure and inspection of the “hardcoded” version of the model used for developing the Renewables Obligation Order 2009 dated 31 January 2007 and referred to in the email from the Government Legal Department of 10.15 on 5 November 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 Inner Confidentiality Ring Information pursuant to the Order establishing a confidentiality ring for the determination of the ROC Issue made on 18 July 2024 (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 Inner Confidentiality Ring Information pursuant to the ROC CRO.
5. All disclosure for the purposes of determination of the ROC Issue in case 1440/7/7/22 shall be treated as disclosure for the purposes of determination of the ROC Issue in case 1518/5/7/22 and vice versa. This applies whether the disclosure was made before or after 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 due course.

Andrew Lenon KC
Chair of the Competition Appeal Tribunal

Made: 11 November 2024
Drawn: 11 November 2024