

## People who directly paid the cost of domestic consumption of electricity on or after 1 April 2001 could benefit from a collective claim

### THIS NOTICE

*This is a legal notice published on the direction of the UK Competition Appeal Tribunal.*

On 11 April 2024, the Competition Appeal Tribunal (the “**Tribunal**”) granted a collective proceedings order in favour of Clare Spottiswoode CBE enabling her to bring collective proceedings against a number of companies involved in the manufacture of high voltage power cables. The companies are: (1) Nexans France S.A.S.; (2) Nexans S.A.; (3) NKT A/S; (4) NKT Verwaltungen GmbH; (5) Prysmian Cavi e Sistemi S.R.L.; and (6) Prysmian S.P.A. (the “**Cables Manufacturers**”).

The Cables Manufacturers were all found to have infringed EU competition law in relation to the supply of high-voltage underground and/or submarine power cables (as is further explained below).

The Consumer Rights Act 2015 allows collective proceedings to be brought on behalf of a group of persons (known as a “class”) who are alleged to have suffered loss as a result of unlawful anticompetitive conduct. For collective proceedings to be brought, the Tribunal must first make a collective proceedings order (a “**CPO**”) authorising a person to act as a representative of the class and certifying the claims as eligible to include in collective proceedings.

The Tribunal has authorised Ms Spottiswoode to act as class representative, and certified claims against the Cables Manufacturers for damages allegedly suffered as a result of their unlawful conduct.

This notice is for your information since, if you fall within the class and are domiciled in the United Kingdom, you will automatically be included in the claim, and will be bound by any judgment or settlement, unless you choose to opt out.

The full CPO is annexed to this Notice and can be viewed and downloaded from the claim website [www.homeenergyaction.co.uk](http://www.homeenergyaction.co.uk) or on the Tribunal’s website [www.catribunal.org.uk](http://www.catribunal.org.uk).

### THE CLAIM

The Tribunal has appointed Ms Spottiswoode as the class representative for the claim, which relies on a decision of the European Commission dated 2 April 2014 in Case AT.39610 *Power Cables* (the “**Decision**”).

The Decision found that manufacturers of high-voltage underground and / or submarine power cables entered into an unlawful cartel (by sharing markets and allocating customers, in

particular in relation to large projects such as infrastructure and renewable energy projects) (the “**Cartel**”).

It is Ms Spottiswoode’s case that companies responsible for the transmission and distribution of electricity in Great Britain consequently purchased such cables at inflated prices, and that those inflated prices were ultimately passed through to higher prices in domestic electricity bills.

Class members’ individual claims raise a number of common issues, including:

- Did the Cartel lead to increased prices for high-voltage power cables and, if so, by how much?
- Were those increased prices passed on to consumers who directly paid for domestic consumption of electricity and, if so, to what extent?
- What level of interest should class members be entitled to?
- How should the Tribunal treat damages which class members have yet to suffer?

Information about the claim is available from the claim website [www.homeenergyaction.co.uk](http://www.homeenergyaction.co.uk) or the Tribunal’s website [www.catribunal.org.uk/cases/14407722-clare-mary-joan-spottiswoode-cbe](http://www.catribunal.org.uk/cases/14407722-clare-mary-joan-spottiswoode-cbe), which includes a summary of the claim.

## THE CLASS DEFINITION

In summary, the claim is brought on behalf of all people alive who directly paid (and personal representatives of deceased people who had directly paid) the cost of domestic consumption of electricity supplied via the distribution network in Great Britain, at any point on or after 1 April 2001, up to 11 April 2024 (the “**Class**”).

There are a few exclusions from the class definition, notably those who for the first time directly paid (and personal representatives of deceased people who had for the first time directly paid) such cost in the period from 1 October 2015 to 9 May 2016 in respect of premises in England and Wales only.

The full class definition is available at [www.homeenergyaction.co.uk](http://www.homeenergyaction.co.uk), together with frequently asked questions.

Those who are domiciled in the UK on 11 April 2024 and fall within the class definition will automatically be included in that claim, and will be bound by any settlement or judgment on the common issues, unless they choose to opt out. Those who are not domiciled in the UK on 11 April 2024 and fall within the class definition may opt in to the claim, if they wish.

## YOUR LEGAL RIGHTS AND OPTIONS NOW

### Right to opt out

Any member of the Class may opt out. In order to do so, that member of the Class should write to the Class Representative by **10 August 2024** to request to leave the claim. Requests can be sent by email to [optout@homeenergyaction.co.uk](mailto:optout@homeenergyaction.co.uk). If a member of the Class wishes to opt out after **10 August 2024**, they must write directly to the Tribunal to seek approval.

**Class members who opt out of the claim will not be bound by any settlement or judgment on common issues, and will not be able to claim for a share of any settlement or damages award.**

Opting out of the collective proceedings will not stop a member of the Class from applying to the Tribunal to start their own claim.

#### Right to opt in

People who are legally domiciled outside of the UK on 11 April 2024 but meet the relevant criteria under the definition of the Class (for example, people who directly paid electricity bills in Great Britain before they moved abroad) may 'opt in' to participate in the claim, and be bound by any settlement or judgment on common issues. Requests can be sent by email to [optin@homeenergyaction.co.uk](mailto:optin@homeenergyaction.co.uk).

<b>Tribunal's contact details</b>	The Registrar, Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP; its website is <a href="http://www.catribunal.org.uk">www.catribunal.org.uk</a> . When writing to the Tribunal you need to include the reference 1440/7/7/22.
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