



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

Cases No: 1160-1165/1/1/10

BETWEEN:

**(1) IMPERIAL TOBACCO GROUP PLC**  
**(2) IMPERIAL TOBACCO LIMITED**

Appellants

- v -

**OFFICE OF FAIR TRADING**

Respondent

**CO-OPERATIVE GROUP LIMITED**

Appellant

- v -

**OFFICE OF FAIR TRADING**

Respondent

**WM MORRISON SUPERMARKETS PLC**

Appellant

- v -

**OFFICE OF FAIR TRADING**

Respondent

**(1) SAFEWAY STORES LIMITED**  
**(2) SAFEWAY LIMITED**

Appellants

- v -

**OFFICE OF FAIR TRADING**

Respondent

**(1) ASDA STORES LIMITED**  
**(2) ASDA GROUP LIMITED**  
**(3) WAL-MART STORES (UK) LIMITED**  
**(4) BROADSTREET GREAT WILSON EUROPE LIMITED**

Appellants

- v -

**OFFICE OF FAIR TRADING**

Respondent

**(1) SHELL U.K. LIMITED**  
**(2) SHELL U.K. OIL PRODUCTS LIMITED**  
**(3) SHELL HOLDINGS (U.K.) LIMITED**

Appellants

- v -

**OFFICE OF FAIR TRADING**

Respondent

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**ORDER**

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**UPON** the Tribunal handing down its judgment on 12 December 2011 ([2011] CAT 41) in the above appeals against the OFT's Tobacco decision of 15 April 2010 (the "Decision")

**IT IS ORDERED THAT:**

1. The appeals in cases 1160-5/1/1/10 be allowed and the Decision quashed in relation to the appellants.
2. Costs be reserved.

**Vivien Rose**  
Chairman of the Competition Appeal Tribunal

Made: 22 December 2011  
Drawn: 22 December 2011