

**IN THE COMPETITION
APPEAL TRIBUNAL**



Case No: 1301/6/12/18

BETWEEN

B&M EUROPEAN VALUE RETAIL S.A.

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON reading the application for interim relief and the notice of application filed by the Applicant on 21 December 2018 challenging the decision of the Respondent dated 1 November 2018 to designate the Applicant as a Designated Retailer for the purposes of the Groceries (Supply Chain Practices) Market Investigation Order 2009 (the “Decision”)

AND UPON the Applicant having issued parallel proceedings in the High Court of Justice, Queen’s Bench Division, Administrative Court challenging the Decision

AND UPON the Applicant seeking directions that the application be listed for a preliminary hearing to determine (i) the correct forum for challenging the Decision (the “Jurisdictional Issue”) and (ii) the Applicant’s application for interim relief (the “IR Application”) to be heard by a judge who is both a chairman of the Tribunal and a judge of the Administrative Court

AND UPON reading the letter from the Respondent dated 17 January 2019

AND UPON the Tribunal writing to the parties on 18 January 2019 regarding the future conduct of the application

AND HAVING REGARD TO the Tribunal’s case management powers under rule 19 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648)

IT IS ORDERED THAT:

1. A hearing to determine (i) the Jurisdictional Issue and (ii) the IR Application be listed for 10.30am on 6 February 2019 at Victoria House, Bloomsbury Place, London, WC1A 2EB.
2. The Respondent shall file and serve its submissions on the Jurisdictional Issue (including its position, in the event that there is concurrent jurisdiction, as to which “court/tribunal” should hear the substantive claim and which “court/tribunal” should make that decision) and evidence in reply to the IR Application by 4pm on 28 January 2019.
3. The parties shall file and serve skeleton arguments for the hearing on 6 February 2019 by 4pm on 31 January 2019.
4. The time for filing and service of the Respondent’s Defence and evidence be extended (if required) until further order.
5. Costs be reserved.

The Honourable Mr Justice Morris
Chairman of the Competition Appeal Tribunal

Made: 22 January 2019
Drawn: 22 January 2019