



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No:

BETWEEN:

**(1) ACCORD-UK LIMITED  
(2) ACCORD HEALTHCARE LIMITED  
(3) INTAS PHAMACEUTICALS LIMITED  
(4) AUDEN MCKENZIE (PHARMA DIVISION) LIMITED**

Applicants

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER – EXTENSION OF TIME**

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**UPON** the applications by the Applicants made on 30 July 2021 and on 2 August 2021 for an extension of time to 6 October to file their appeals against the decision of the Respondent of 15 July 2021 regarding the supply of hydrocortisone tablets in the UK (“the Decision”)

**AND HAVING REGARD TO** rule 9(2) of the Competition Appeal Tribunal Rules 2015 (“rule 9(2)”)

**IT IS ORDERED THAT:**

The time for the Applicants to file their Notices of Appeal is extended to 6 October 2021

**REASONS:**

1. The Decision was issued following an investigation lasting over five years. The Applicants rely on the extreme length of the Decision (over 1000 pages plus annexes). However, the length and complexity of an infringement decision does not in itself constitute exceptional circumstances falling within rule 9(2) since the two months period allowed for such appeals is already extensive: see *Allergan PLC v CMA* [2021] CAT 26.

2. However, the applications refer also to particular problems confronting the Applicants in preparing their appeals. The 1<sup>st</sup> applicant is jointly represented (for the period up to 8 January 2017) with the 4<sup>th</sup> applicant as they were associated companies and the 1<sup>st</sup> applicant is jointly represented (for the period from 9 January 2017) with the 2<sup>nd</sup> and 3<sup>rd</sup> applicants as they are associated companies. Without extension, the time for appealing would expire on 15 September 2021. Details are provided of five key individuals at the various Applicants or their parent companies who are closely involved in the preparation of the appeals who have family holidays booked across the period mid-July to early September and, in one case, is dealing with serious family illness. The fact that at least some of the senior lawyers instructed are away for much of August would not amount to exceptional circumstances (see *Allergan*), but the combination of the holidays of key individuals at the parties appealing with the holidays of external lawyers means that there are successive periods of absence which would hinder effective preparation of the notices of appeals by mid-September. In some circumstances, senior individuals at the addressees of a major infringement decision could be expected to adjust their holiday plans to meet an appeal deadline. But I take account of the fact that a consequence of the Covid pandemic is that this summer is the first opportunity for a long time for people to take a holiday with their family away from home. Given that these are heavy appeals from a lengthy decision, I therefore accept that the circumstances are exceptional.
3. The extension sought is for three weeks which is a modest period. The infringements found in the Decision ceased several years ago and the Respondent does not suggest that any prejudice will result from this extension.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 3 August 2021  
Drawn: 3 August 2021