



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C3/2013/2403



Akzo Nobel N.V. –v– The Competition Commission & others

ORDER made by the Rt. Hon. Lord Justice Vos

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal a decision of the Competition Commission dated 21st June 2013

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Granted.

Reasons

There is some real prospect of success on appeal. The decision also has potentially significant consequences as to the reach of decisions made by the Competition Commission, so as to make it desirable for the CA to have considered the proper meaning of the words "a person carrying on business in the United Kingdom" in section 86(1)(c) of the Enterprise Act 2002.

Whilst the second ground of appeal is of far lesser general importance, it is connected to the first and should be permitted to be argued so as to ensure that the CA can deal with the full picture.

Information for or directions to the parties

The appeal is estimated at one day and should be expedited.

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories*. Yes No

Recommended for mediation Yes No

If not, please give reason:

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment) 1 day
b) any expedition YES



Signed: [Redacted]
Date: 31st October 2013

By the Court

Notes

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 16(1) of CPR PD 52C.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 7 days of the date of the listing window notification letter and seek to agree the bundle within 21 days of the date of the listing window notification letter (see paragraph 21 of CPR PD 52C).

**DATED 31ST OCTOBER 2013
IN THE COURT OF APPEAL**

ORDER

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