



IN THE COMPETITION
APPEAL TRIBUNAL

Case No.: 1233/4/12/14

B E T W E E N

GROUPE EUROTUNNEL S.A.

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

Case No.: 1235/4/12/14

SOCIÉTÉ COOPÉRATIVE DE PRODUCTION SEA FRANCE S.A.

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON reading the Notices of Application for a review of the decision made by the Competition and Markets Authority (the “Respondent”) on 27 June 2014 (the “Decision”) lodged under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (the “Tribunal Rules”) by:

- (1) Group Eurotunnel S.A. (“GET”) on 22 July 2014 in Case No 1233/4/12/14 (the “GET Application”); and
- (2) the Société Coopérative de Production Sea France S.A. (the “SCOP”) on 24 July 2014 in Case No. 1235/4/12/14 (the “SCOP Application”)

AND UPON reading the requests for permission to intervene filed to date pursuant to rule 16 of the Tribunal Rules:

a) in the GET Application by:

- (1) SCOP on 24 July 2014; and
- (2) DFDS A/S (“DFDS”) on 28 July 2014

b) in the SCOP Application by:

- (1) GET on 25 July 2014; and
- (2) DFDS A/S (“DFDS”) on 28 July 2014

AND UPON the Tribunal having made an Order setting out a timetable in these proceedings on 1 August 2014 (the “Original Directions Order”)

AND UPON the parties have applied to revise the Original Directions Order

AND UPON GET, SCOP, the Respondent and DFDS having provided the Tribunal with an agreed draft order

IT IS ORDERED THAT:

Replacement Directions Order

1. The Original Directions Order be replaced by this Order.

Forum

2. Pursuant to rule 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales.

Hearing of Appeals

3. The GET Application and the SCOP Application be heard together.
4. All evidence adduced and documents served in the SCOP Application may be used for the purposes of, and relied on in, the GET Application.
5. All evidence adduced and documents served in the GET Application may be used for the purposes of, and relied on in, the SCOP Application.

Interventions

6. As regards the requests for permission to intervene in the GET Application:
 - a) SCOP be granted permission to intervene in support of GET; and
 - b) DFDS be granted permission to intervene in support of the Respondent.
7. As regards the requests for permission to intervene in the SCOP Application:
 - a) GET be granted permission to intervene in support of SCOP; and
 - b) DFDS be granted permission to intervene in support of the Respondent.

Future Conduct of the Proceedings

8. SCOP file and serve its statement of intervention in the GET Application by 5pm on 8 August 2014.
9. GET file and serve its statement of intervention in the SCOP Application by 5pm on 8 August 2014.
10. The Respondent file and serve its defence(s), and any supporting evidence, in both the GET Application and the SCOP Application by 5pm on 19 September 2014.
11. DFDS file and serve a skeleton argument and statement of intervention in both the GET Application and the SCOP Application by 5pm on 13 October 2014.
12. The SCOP and GET file and serve skeleton arguments, incorporating any submissions in reply, in both the GET Application and the SCOP Application by 5pm on 27 October 2014.
13. The Respondent file and serve skeleton argument(s) in both the GET Application and the SCOP Application by 5pm on 3 November 2014.
14. GET/SCOP to file and serve six copies of an agreed bundle of documents to serve as the bundle for the main hearing, together with six copies of an agreed joint bundle of authorities to be referred to at the main hearing, by 5pm on 6 November 2014.
15. The parties to file an agreed timetable for oral submissions by 5pm on 7 November 2014.
16. A hearing be listed for 24 November 2014 with a time estimate of two days.

17. There be liberty to apply.

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 1 September 2014
Drawn: 1 September 2014