



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

**Case: 1059/4/1/06**

**BETWEEN:**

**CELESIO AG**

**Applicant**

**-v-**

**OFFICE OF FAIR TRADING**

**Respondent**

**Supported by**

**BOOTS PLC AND UNICHEM PLC**

**Interveners**

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**ORDER**

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**UPON** reading the submissions of the parties

**AND UPON** hearing counsel for the parties at a case management conference on 28 March 2006

**AND UPON** the parties having agreed to establish (i) a “confidentiality ring” comprising the parties’ legal representatives only (“Confidentiality Ring ‘A’”); and (ii) a confidentiality ring comprising the parties’ legal representatives and the applicant’s and interveners’ expert economist advisers (“Confidentiality Ring ‘B’”)

**AND UPON** those confidentiality rings being established either pursuant to a consent order of the Tribunal or by agreement between the parties

**IT IS ORDERED THAT:**

1. The respondent file and serve its skeleton argument and, if so advised, any supporting witness statement(s) by 5:00pm on Monday 3 April 2006.

2. The interveners file and serve their skeleton argument and, if so advised, any supporting expert report (limited to addressing issues of principle contained in the expert report filed by the applicant) and/or witness statement(s) by 5:00pm on Tuesday 4 April 2006.
3. The skeleton arguments and witness statements of the respondent and the intervener are to stand, respectively as the defence and the statement of intervention.
4. The applicant, if so advised, file and serve a skeleton argument and/or any additional evidence in reply by 5:00pm on Friday 7 April 2006.
5. The respondent provide a version of the contested decision which is unexcised, to the extent relevant to the proceedings, to Confidentiality Ring 'B' by 5:00pm on 30 March 2006.
6. The interveners provide documentary evidence relevant to the contested decision for which it claims confidentiality to Confidentiality Ring 'A' by 5:00pm on 30 March 2006.
7. The respondent provide to Confidentiality Ring 'A' such documentary evidence as it may wish to rely on as relates to the respondent's decision of 29 November 2005, pursuant to section 33(1) of the Enterprise Act 2002, on whether to refer to the Competition Commission the anticipated acquisition by Lloyds Pharmacy Limited of part of the Cohens and Scholes pharmacy chains.
8. Insofar as the parties claim confidentiality in respect of any of the documents on which they or another party rely, the party or parties claiming confidentiality file and serve excised versions of such document(s) as soon as practicable.
9. The public hearing of this matter be listed for Tuesday 11 April 2006, commencing at 9:30 am, with a time limit of one day.
10. There be liberty to apply.

**Marion Simmons QC**  
Chairman of the Competition Appeal Tribunal

Made: 28 March 2006  
Drawn: 30 March 2006