



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1104/6/8/08

BETWEEN:

TESCO PLC

Applicant

-v-

THE COMPETITION COMMISSION

Respondent

ORDER

UPON reading the report of the Competition Commission (“the Commission”) dated 30 April 2008 entitled “The supply of groceries in the UK market investigation” (“the Report”)

AND UPON reading the notice of application lodged by Tesco plc (“Tesco”) under rules 8 and 25 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) on 30 June 2008

AND UPON the Tribunal writing to the parties on 15 July 2008 in respect of a number of matters arising in these proceedings

AND UPON considering the requests for permission to intervene from: (i) Marks and Spencer plc (“M&S”) dated 23 July 2008, (ii) Waitrose Limited (“Waitrose”) dated 23 July 2008, (iii) Asda Stores Limited (“Asda”) dated 23 July 2008, and (iv) the Association of Convenience Stores (“ACS”) dated 24 July 2008, together with an oral application by ACS for an extension of time to intervene made on 31 July 2008 and the parties’ observations on those requests

AND UPON reading the submissions of the parties filed in advance of the case management conference

AND UPON hearing counsel for the parties and proposed interveners at a case management conference on 31 July 2008

AND UPON the Tribunal indicating that the proposed interveners should endeavour, so far as possible, to avoid duplication of the parties' submissions

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales
2. ACS be granted an extension of time until 24 July 2008 to file its request for permission to intervene in these proceedings pursuant to rule 19(2)(i) of the Tribunal Rules
3. M&S, Waitrose, Asda, and ACS (together, "the interveners") be granted permission to intervene in the proceedings
4. Tesco serve a non-confidential version of the notice of application on each of the interveners forthwith and serve a non-confidential copy of the supporting documents annexed to its notice of application on each of the interveners as soon as possible, and in any event no later than 4pm on 7 August 2008
5. In relation to the proceedings before the Tribunal:
 - a. The Commission file and serve its defence by 4pm on 11 August 2008
 - b. The interveners, if so advised, file and serve their respective statements of intervention by 4pm on 5 September 2008
 - c. Tesco file and serve any reply to the defence and any response to the statements of intervention by 4pm on 26 September 2008
 - d. Tesco file and serve its skeleton argument by 4pm on 10 October 2008
 - e. The Commission file and serve its skeleton argument by 4pm on 27 October 2008
 - f. The interveners file and serve their skeleton arguments by 4pm on 31 October 2008; the interveners take all reasonable steps (including liaising where necessary) to avoid duplication of submissions
 - g. Tesco prepare an agreed bundle of documents to serve as the core bundle for the hearing, an agreed joint bundle of authorities to be referred to at the hearing with key sections flagged for reference and so far as practicable an agreed running order for the hearing
 - h. Tesco file ten copies of the agreed bundle of documents by 4pm on 10 October 2008. Tesco file ten copies of an agreed joint bundle of

authorities and as far as practicable an agreed running order for the hearing as soon as possible after 31 October 2008, and in any event by 4pm on 5 November 2008

- i. A hearing be listed for 11 November 2008 with a time estimate of three days
6. Costs be reserved
 7. There be liberty to apply

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 31 July 2008
Drawn: 6 August 2008