



COMPETITION APPEAL TRIBUNAL

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1013/1/1/03 (IR)

**Sir Christopher Bellamy
(President)**

GENZYME LIMITED (“Genzyme”)

Applicant

-and-

THE OFFICE OF FAIR TRADING (“OFT”)

Respondent

Supported by

HEALTHCARE AT HOME LIMITED (“HH”)

Intervener

**ORDER OF THE PRESIDENT
(Non-confidential version)**

UPON reading the request (“the Request”) by Genzyme pursuant to Rule 32 of the Competition Commission Appeal Tribunal Rules 2000 (“the Rules”) for interim relief to suspend the direction made by the Director General of Fair Trading (“the Director”) on 27 March 2003 (“the Direction”) under section 33 of the Competition Act 1998 (“the Act”) and forming part of a decision of the Director of 27 March 2003 numbered CA98/3/03 pursuant to section 18 of the Act (“the Decision”)

AND UPON Genzyme stating in the Request and to the Tribunal that it intends pursuant to section 46(2) of the Act and rule 6 of the Rules to appeal to the Tribunal against the Decision (“the Appeal”)

AND UPON reading the written pleadings of all the parties and the other documents and correspondence on the Tribunal's file

AND UPON hearing oral arguments put by the legal representatives of the parties at hearings on 16 April, 1 and 6 May 2003

AND UPON handing down judgment dated 6 May 2003

IT IS ORDERED THAT:

1. Upon Genzyme complying with the terms set out in the attached schedule, the Direction is suspended until the determination of the Appeal or the Tribunal's further order.
2. Costs are reserved.
3. Liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made 6 May 2003
Drawn 15 May 2003

SCHEDULE TO THE ORDER OF THE PRESIDENT

A. Definitions

For the purposes of these terms:

“Cerezyme” includes references to Ceredase unless otherwise stated;

“Genzyme” means Genzyme Limited;

“HH” means Healthcare At Home Limited;

“the Hospitals” means the Royal Free Hospital and Addenbrooke’s Hospital or any other hospital or Trust to whom HH submits an order for the supply of Cerezyme;

“the NHS List Price” means the price of Cerezyme in relation to which the NHS will reimburse any sales. This is currently £2.975 per unit.

B. Terms

Genzyme will, in respect of the period from 17 April 2003 until the determination of the appeal by the Tribunal or further order:

- (1) Continue to supply the Hospitals with Cerezyme in relation to any orders submitted by HH to the Hospitals, for onward supply to HH;
- (2) Where Cerezyme is delivered in respect of orders placed by HH to the Hospitals on or after 17 April 2003, such deliveries will be supplied to the Hospitals for onward supply to HH at a discount of []% off the NHS List Price;
- (3) Not supply Cerezyme to the Hospitals for onward supply to HH on any less favourable terms and conditions than those on which it supplies any other third party provider.