



IN THE COMPETITION
APPEAL TRIBUNAL

Cases Nos: 1251-1255/1/12/16

BETWEEN:

GENERIC (UK) LIMITED
GLAXOSMITHKLINE PLC
(1) XELLIA PHARMACEUTICALS APS (2) ALPHARMA LLC
ACTAVIS UK LIMITED
MERCK KGAA

Appellants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER
(EXTENSION OF TIME)

UPON the direction of 23 March 2020 extending the time by consent to 22 April 2020 for Appellants to file their submissions and to 15 May 2020 for the Respondent (“the CMA”) to file its submissions in reply, following the judgment of the Court of Justice of the European Union (“CJEU”) in Case C-307/18

AND UPON the application by the CMA by letter dated 30 April 2020 for an extension of time to 5 June 2020 to file its response to the Appellants’ submissions

AND UPON considering the letter dated 1 May 2020 sent on behalf of GlaxoSmithKline PLC and Xellia Pharmaceuticals APS and Alparma LLC objecting to the application, and the letter dated 1 May from the CMA in reply

AND HAVING REGARD TO Rules 19(2)(b) and 19(2)(m) of the Tribunal Rules and the Practice Direction relating to Covid-19 of 20 March 2020

IT IS ORDERED THAT:

1. The deadline for the CMA to file its response to the Appellants’ submissions following the judgment of the CJEU is extended to 4pm on 5 June 2020.

2. There be liberty to apply.

REASONS:

1. In addition to the practical problems which result from remote working and reduced staff levels, the CMA as a public authority is facing particular challenges in responding to the urgent competition and consumer issues raised by the Covid-19 pandemic which have reasonably required it to reallocate its resources.
2. Although this is a further extension, the substantial delay in this case caused by the duration of the proceedings before the CJEU means that a further 3 weeks delay at this stage is relatively minor and it will not cause prejudice to the Appellants. Indeed, three of the Appellants have not indicated that they object to the application.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 5 May 2020
Drawn: 5 May 2020