



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1524/1/12/22

BETWEEN:

(1) PFIZER INC.
(2) PFIZER LIMITED

Applicants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER – EXTENSION OF TIME

UPON the application made on 29 July 2022 for an extension of time for the Applicants to file an appeal against the decision of the Respondent of 21 July 2022 regarding the supply of phenytoin sodium capsules in the UK (“the Decision”)

AND UPON there being no objection from the Respondent to the extension

AND HAVING REGARD TO rule 9(2) of the Competition Appeal Tribunal Rules 2015 (“rule 9(2)”)

IT IS ORDERED THAT:

The time for the Applicants to file their Notice of Appeal is extended to 12 October 2022.

REASONS:

1. The Applicants’ legal team are currently engaged in three separate appeals (by appellants other than the Applicants) presently before the Tribunal against three decisions of the Respondent, namely:

- (1) An appeal against a decision of the Respondent dated 15 July 2021 regarding the supply of hydrocortisone tablets in the UK (“the Hydrocortisone Decision”) under Case No: 1412/1/12/21;
 - (2) An appeal against a decision of the Respondent dated 9 July 2021 regarding the supply of liothyronine tablets in the UK (“the Liothyronine Decision”) under Case No: 1421/1/12/21; and
 - (3) An appeal against a decision of the Respondent dated 3 February 2022 regarding the supply of prochlorperazine tablets in the UK (“the Prochlorperazine Decision”) under Case No: 1434/1/12/22.
2. The Applicants’ legal team have played a substantial role in the proceedings to date leading up to the Decision, having acted for the Applicants since the administrative stage of the first investigation by the Respondent (an investigation which was opened nearly 9 years ago).¹ The Applicants understandably wish to continue to retain the same legal team in respect of their appeal against the Decision. The Applicants’ legal teams (including counsel) are therefore faced with the concurrent preparation of three other wholly distinct and heavy decisions of the Respondent (for appellants other than the Applicants). These cases have various upcoming deadlines (including preparation for the upcoming hearing of the appeal in the Liothyronine Decision, scheduled to commence less than seven days before the Applicants’ Notice of Appeal is due), placing the legal teams under a significant burden. That is heightened by the fact that the appeal period spans the summer holiday. These circumstances have the potential to compromise the ability of the Applicants to properly and effectively exercise their rights of appeal in relation to the Decision. As such, I consider there are exceptional circumstances for the purposes of rule 9(2) justifying an extension of time.
3. The requested extension of three weeks is reasonable and proportionate, particularly accounting for the summer break, and the complexity and length of

¹ The Decision concerns matters which were remitted by the Tribunal to the Respondent for re-consideration, following the appeal to the Tribunal of a previous decision of the Respondent relating to supply of phenytoin sodium capsules in the UK dated 7 December 2016: see Case No: 1276/1/12/17.

the Decision (which, I am told, runs to c 560 pages (including Annexes)) and imposes a significant fine in the sum of £63,300,000.²

4. I do not see any material prejudice to the Respondent in allowing the extension and the Respondent does not object to the extension.
5. Accordingly, I grant the extension sought by the Applicants.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 4 August 2022
Drawn: 4 August 2022

² Competition and Markets Authority, Press Release, “£70 million in fines for pharma firms that overcharged NHS” (21 July 2022) <https://www.gov.uk/government/news/70-million-in-fines-for-pharma-firms-that-overcharged-nhs>