

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1574/10/12/22

AND

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT**

Claim No: CO/2721/2022

BETWEEN:

BAYERISCHE MOTOREN WERKE AG

Appellant

- and -

THE KING

on the application of

VOLKSWAGEN AKTIENGESELLSCHAFT

Claimant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent / Defendant

ORDER

UPON the Respondent having agreed to the Appellant's proposed amendments to its Notice of Appeal and the witness statement of Dr Christian Malte Huett, in each case in the form annexed to the Appellant's letter to the Respondent dated 19 January 2023

AND UPON the Respondent having confirmed in correspondence that, those amendments having been made, it will not seek to cross-examine Dr Huett at the hearing of the Appellant's appeal on 26 and 27 January 2023

AND UPON the Tribunal having received the Appellant's letter of 24 January 2023 enclosing draft amended versions of the Notice of Appeal and the witness statement of Dr Christian Malte Huett

AND UPON the parties having further agreed in their pleadings that these proceedings should be treated as proceedings in England and Wales

IT IS ORDERED BY CONSENT THAT:

1. The Appellant shall be permitted to amend the Notice of Appeal and the witness statement of Dr Christian Malte Huett in the form enclosed with its letter to the Tribunal of 24 January 2023.
2. The Respondent made consequential amendments to its Defence and such consequential amendments made no later than 4pm on 24 January 2023 shall be permitted.
3. These proceedings shall be treated as proceedings in England and Wales.
4. Costs reserved.

Sir Marcus Smith

President of the Competition Appeal Tribunal
Judge of the High Court of England and Wales

Made: 31 January 2023
Drawn: 31 January 2023