



**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 imposed on the Appellant (“**BMW AG**”) a penalty under section 40A of the Competition Act 1998 by notice dated 6 December 2022 (“**the Penalty Notice**”) comprising a fixed sum of £30,000 plus a continuing daily fine of £15,000

AND UPON the Tribunal having ordered on 31 January 2023 that the continuing daily fine of £15,000 imposed by the Penalty Notice shall not continue to accrue in the period from 26

January 2023 to the date of the Tribunal's judgment in these proceedings (inclusive of both dates)

IT IS ORDERED THAT:

1. Directions on consequential matters (including any application for permission to appeal) are adjourned to a further hearing.
2. The continuing daily fine of £15,000 imposed by the Penalty Notice shall not accrue in the period from the date of the Tribunal's Judgment in these proceedings until further Order of the President (inclusive of both dates).
3. Costs reserved.

Sir Marcus Smith

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

Made: 8 February 2023

Drawn: 8 February 2023