



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1579/4/12/23

BETWEEN:

CÉRÉLIA GROUP HOLDING SAS
CÉRÉLIA UK LIMITED

Applicants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON the notice of application lodged by the Applicants under rule 9 and 26 of the Competition Appeal Tribunal Rules 2015 (S.I. No. 1648 of 2015) on 17 February 2023 (the “**Application**”)

AND UPON the defence lodged by the Respondent on 20 March 2023 (the “**Defence**”)

AND UPON reading the submissions of the parties filed in advance of a case management conference on 24 March 2023 (the “**March CMC**”)

AND UPON hearing Counsel for the parties at the March CMC

AND UPON considering the Tribunal’s Order made on 4 April 2023 in these Proceedings

AND HAVING REGARD TO the correspondence between the parties

IT IS ORDERED THAT:

Disclosure

1. By **5pm** on **22 March 2023**, the Respondent shall give disclosure and inspection of the documents identified in Annex 1, paragraphs 1 - 7 to the Order.
2. By **5pm** on **20 March 2023**, the Respondent shall file and serve a witness statement explaining the decision to extend the statutory timetable under section 39(3) of the Enterprise Act 2002.
3. By **5pm** on **6 April 2023**, the Respondent shall give disclosure and inspection of the documents identified in Annex 1, paragraph 8 to the Order.

Confidentiality

4. The Respondent shall by **5pm** on **11 April 2023** identify and provide copies of the documents within its disclosure that do not contain any confidential third-party information, and can therefore be disclosed outside the confidentiality ring. Where any such documents contain both confidential and non-confidential information, marked-up copies will be provided.

Future Conduct of the Application

5. The Applicants shall file and serve an updated Application by **5pm** on **5 May 2023**.
6. The Respondent shall file and serve an updated Defence by **5pm** on **19 May 2023**.
7. The Applicants shall file and serve their skeleton argument by **5pm** on **9 June 2023**.
8. The Respondent shall file and serve its skeleton argument by **5pm** on **16 June 2023**.
9. The Applicants shall lodge the hearing and authorities bundles by **5pm** on **20 June 2023**.
10. The parties shall file an agreed dramatis personae and chronology with cross-references to the hearing bundles by **5pm** on **20 June 2023**.
11. The parties shall file their replacement skeletons, amended to include references to the hearing bundles, by **5pm** on **20 June 2023**.
12. The substantive hearing to be listed for **10 July 2023** with a time estimate of three days.

General

13. Costs in the case.
14. There be liberty to apply.

Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 6 April 2023

Drawn: 6 April 2023

ANNEX 1 – DISCLOSURE

1. Phase 1 questionnaires.
2. Phase 1 RFI(s), including emails.
3. Phase 2 questionnaire.
4. Phase 2 RFI(s), including emails.
5. Any evidence or explanations provided by Bells as to its capacity, ability and willingness to expand production in respect of DTB products.
6. All evidence received from [X] whether responses to questionnaires or RFIs, other written submissions, emails or notes of calls/ meetings except for communications of purely administrative nature and correspondence on confidentiality.
7. To the extent not disclosed pursuant to the point 6 above, the CMA shall disclose all evidence referred to in the following parts of the Final Report:
 - a. Paragraphs 9.52 – 9.54: Grocery retailer views on competition between the Parties;
 - b. Paragraph 9.55: Grocery retailer views on the direction of the constraint between the Parties;
 - c. Paragraphs 9.56-9.59 Grocery retailer views on the direction of the constraint between the Parties;
 - d. Paragraphs 9.60 – 9.61: Grocery retailer views on the nature of the constraint; and
 - e. Paragraphs 9.62 – 9.64: Competitor views on competition between the Parties.
8. In relation to the CMA Inquiry Group’s decision to extend the statutory timetable for “*special reasons*” under section 39(3) of the Enterprise Act 2002, all documents:
 - a. relevant to that decision, including the case team follow up (as referred to in the Inquiry Group Minutes dated 15 September 2022); and
 - b. to the extent not provided pursuant to paragraph 8a., that cast light on that decision and the considerations behind and/or reasons for it, whether or not shown to the CMA Inquiry Group or any member of it.