



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No.: 1577/12/13/23

BETWEEN:—

**THE DURHAM COMPANY LIMITED**  
**(trading as MAX RECYCLE)**

Applicant

- v -

**DURHAM COUNTY COUNCIL**

Respondent

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**ORDER**

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**UPON** the Applicant’s application dated 3 February 2023 for review pursuant to section 70 of the Subsidy Control Act 2022 (the “**Application**”)

**AND UPON** hearing Mr Michael Bowsher KC for the Applicant and Mr Aidan Robertson KC for the Respondent at a hearing on 3-4 July 2023

**AND UPON** the Tribunal issuing its judgment on the Application on 27 July 2023 ([2023] CAT 50)

**AND HAVING REGARD** to Rule 19(2)(m) of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”)

**IT IS ORDERED THAT:**

1. The Application is dismissed.
2. By no later than 5pm on 8 September 2023, the parties shall either:

- (a) File an agreed form of order addressing matters consequential on the Order at paragraph 1 above; alternatively
  - (b) Failing agreement, file and exchange written submissions as to the appropriate form of order addressing matters consequential on the Order at paragraph 1 above. In such case, the Tribunal shall determine the appropriate form of order on the papers.
3. Any consequential applications (including costs and any applications(s) for permission to appeal pursuant to Rule 107 of the Tribunal Rules) be filed and served by 5pm on 8 September 2023.
  4. Any responsive submissions be filed and served by 5pm on 13 September 2023.
  5. Any appellant's notice be filed at the Court of Appeal within 14 days of the Tribunal's decision on permission to appeal.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 27 July 2023  
Drawn: 31 July 2023