



# IN THE COURT OF APPEAL

ON APPEAL FROM THE OTHER TRIBUNAL

10985708

**BEFORE** LORD JUSTICE WALLER Vice President of the Court of Appeal, Civil  
Division  
LORD JUSTICE LLOYD  
And LORD JUSTICE RICHARDS

## B E T W E E N

1. BASF SE  
2. BASF PLC  
3. FRANK WRIGHT LIMITED

APPELLANTS

- and -

1. BCL OLD CO LIMITED  
2. DFL OLD CO LIMITED  
3. PFF OLD CO LIMITED  
4. DEANS FOOD LIMITED

RESPONDENTS

**ON READING** the Appellant's Notice sealed on the 31st October 2008 filed on behalf of the Appellants on appeal from the order of The Competition Appeal Tribunal dated 25th September 2008

**AND ON HEARING** Counsel for the Appellants and Counsel for the Respondents

**IT IS ORDERED** that

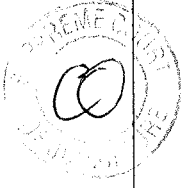
1. the appeal against the ruling of the Competition Appeal Tribunal dated 25 September 2008 be allowed
2. the relevant date under rule 31(2) of the Tribunal's Rules for the purposes of the Respondents' claims for damages under section 47A of the Act did not fall on the expiry of the period during which the appeal against the judgment of the Court of First Instance in Case T-15/02 BASF AG v Commission{2006} ECR II-497 could have been instituted by the European Court of Justice with the result that the claims are time-barred by that rule

COURT 68  
Appeal No.

C1/2008/2606

Her Majesty's  
Court of Appeal  
22 MAY 2009

3. the Respondents do pay the Appellants' costs of the appeal to the Court of Appeal to be subject to detailed assessment if not agreed
4. the order of the Competition Appeal Tribunal as to the costs of and occasioned by the hearing of the preliminary issue before the Tribunal be quashed but those costs be reserved to a future decision of the Tribunal



*By the Court*