



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1251-1255/1/12/16

BETWEEN:

GENERICS (UK) LIMITED

Appellant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

GLAXOSMITHKLINE PLC

Appellant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

(1) XELLIA PHARMACEUTICALS APS
(2) ALPHARMA LLC

Appellants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ACTAVIS UK LIMITED

Appellant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

MERCK KGAA

Appellant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON reading the notices of appeal of: (i) Generics (UK) Limited; (ii) GlaxoSmithKline PLC; (iii) Xellia Pharmaceuticals APS and Alpharma LLC; (iv) Actavis UK Limited; and (v) Merck KGaA (together, “the Appellants”) relating to the decision made by the Respondent (“CMA”) dated 12 February 2016 and entitled “Paroxetine – Case CE-9531/11” (the “Decision”)

AND UPON reading the requests for permission to intervene from the Appellants

AND UPON reading the applications of the CMA for an extension of time to file a single consolidated Defence in the appeals and for deferral of the grounds of the appeals relating to penalty, including service of Defences thereto, until after the Tribunal has ruled on the grounds of appeal on liability

AND UPON reading the submissions of the parties filed in advance of a case management conference on 13 May 2016

AND UPON hearing the parties’ legal representatives at the case management conference on that date

IT IS ORDERED THAT:

Forum

1. The appeals be treated as proceedings in England and Wales.

Interventions

2. Each appellant has permission to intervene in each of the other appeals.
3. Statements of Intervention are dispensed with.

Evidence

4. Evidence in any one appeal shall stand as evidence in each of the other appeals so far as relevant.
5. GlaxoSmithKline PLC may redact from its Notice of Appeal and evidence served on the other Appellants the confidential passages agreed with the Tribunal.

Appeals relating to penalty

6. The CMA’s application to defer the grounds of the appeals relating to penalty, and service of Defences thereto, be dismissed.

Future conduct of the appeals

7. The appeals in Cases No. 1251-1255/1/12/16 be heard together.

8. The main hearing in these appeals commence on 27 February 2017, to be completed by 31 March 2017 including an interval of several days for the preparation and reading by the Tribunal of written closing submissions (and with the week commencing 20 February 2017 reserved for pre-reading).
9. In relation to the filing and service of further pleadings in the appeals:
 - a. by 4pm on 29 July 2016 the CMA shall file a single consolidated Defence and any supporting evidence.
 - b. by 4pm on 12 October 2016 each appellant shall file and serve a Reply (if so advised) and any supporting evidence together with submissions on the relevance (if any) of the General Court's pending judgments in respect of the annulment actions brought against the European Commission's decision in case AT.39226 – *Lundbeck* (Cases T-460, 467, 469-472/13) (“the *Lundbeck* Judgments”).
 - c. by 4pm on 25 October 2016 the CMA shall file and serve its supplemental submissions on the relevance (if any) of the *Lundbeck* Judgments.
10. A further case management conference be fixed in the week commencing 31 October 2016.
11. Costs be reserved.
12. There be liberty to apply.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 13 May 2016
Drawn: 16 May 2016