



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1595/7/7/23

BETWEEN:

ROBERT HAMMOND

Applicant/Proposed Class Representative

- v -

(1) AMAZON.COM, INC
(2) AMAZON EU S.À.R.L
(3) AMAZON SERVICES EUROPE S.À.R.L
(4) AMAZON EUROPE CORE S.À.R.L
(5) AMAZON UK SERVICES LTD

Respondents/ Proposed Defendants

REASONED ORDER (AMENDED DIRECTIONS)

UPON the application Mr Hammond (Case No: 1595/7/7/23) for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 filed on 7 June 2023

AND UPON the Tribunal listing a certification hearing for 25 to 27 September 2024

AND UPON the Order of the Tribunal of 30 April 2024 setting out directions to certification (“Directions to Certification Order”)

AND UPON the collective proceedings claim forms filed by the BIRA Trading Ltd (Case No: 1641/7/7/24) and by Professor Andreas Stephan (Case No: 1644/7/7/24) on 7 June 2024 and 27 June 2024 respectively, which proceedings require the determination of the preliminary issue as to which applicant is most suitable to act as the proposed class representative for the purposes of Rule 78(2)(c) of the Competition Appeal Tribunal Rules 2015 (“the carriage dispute”)

AND UPON considering the correspondence of the parties in Cases Nos. 1595/7/7/23, 1641/7/7/24 and 1644/7/7/24 regarding the case management and future conduct of those proceedings

HAVING REGARD TO the governing principles of the Tribunal under the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The hearing of Mr Hammond's application for a Collective Proceedings Order on 25 to 27 September 2024 is vacated and the application is adjourned to be heard following determination of the carriage dispute as between Case No 1641/7/7/24 and Case No 1644/7/7/24.
2. The directions for the filing and service of skeleton arguments and hearing and authorities bundle set out in paragraphs 4 and 5 of the Directions to Certification Order are rescinded.
3. There be no order as to costs.

REASONS

1. There are clear efficiencies arising from the joint case management of proceedings with similar objectives that raise similar issues. Moreover, there is a serious risk of complications if such proceedings were to be considered separately such that certain of the parties become bound by results to which other parties are not.
2. Although there are differences between the issues raised by the present proceedings and those in Cases Nos 1641/7/7/24 and 1644/7/7/24, there are significant overlaps and in my view, as the Proposed Defendants are essentially identical, there are likely to be similar grounds of opposition raised to the applications for certification. In consequence, significant and closely similar if not identical issues potentially fall to be decided in the different applications.
3. I appreciate that vacating the hearing will cause some delay, but if certification were to be granted in the present case and then subsequently in the BIRA proceedings and/or the Stephan proceedings, it would be appropriate for those proceedings to be case managed together. Accordingly, although adjournment of the application by Mr Hammond may cause initial delay to his proceedings, if the application were not adjourned and a Collective Proceedings Order were to be made, the proceedings would

then be delayed pending determination of the carriage dispute between the BIRA proceedings and the Stephan proceedings.

4. In all the circumstances, having regard to the governing principles in rule 4(1) and (2) of the Competition Appeal Tribunal Rules 2015, I consider that the balance comes down firmly in favour of vacating the hearing in the present case so that the carriage dispute between the BIRA proceedings and the Stephan proceedings can be determined first.

The Hon. Mr Justice Roth

Chair of the Competition Appeal Tribunal

Made: 4 September 2024

Drawn :6 September 2024