



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

Case No: 1641/7/7/24

BETWEEN:

**BIRA TRADING LIMITED**

Proposed Class Representative / Applicant

- v -

- (1) AMAZON.COM, INC
- (2) AMAZON EUROPE CORE SARL
- (3) AMAZON EU SARL
- (4) AMAZON UK SERVICES LTD
- (5) AMAZON PAYMENTS UK LIMITED

Proposed Defendants / Respondents

AND BETWEEN:

Case No. 1644/7/7/24

**PROFESSOR ANDREAS STEPHAN**

Proposed Class Representative / Applicant

- v -

- (1) AMAZON.COM, INC
- (2) AMAZON EUROPE CORE SARL
- (3) AMAZON EU SARL
- (4) AMAZON UK SERVICES LTD
- (5) AMAZON PAYMENTS UK LIMITED

Proposed Defendants / Respondents

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**ORDER (CARRIAGE ISSUES)**

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**UPON** the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1641/7/7/24 commenced by BIRA Trading Limited (“**BIRA**”) on 7 June 2024 (the “**BIRA Proceedings**”)

**AND UPON** the proposed collective proceedings under section 47B of the Competition Act 1998 with case number 1644/7/7/24 commenced by Professor Andreas Stephan (“**Prof Stephan**”) on 27 June 2024 (the “**Stephan Proceedings**”) (together with BIRA, the “**PCRs**”)

**AND UPON** reading the applications of (i) BIRA filed on 7 June 2024 in the BIRA Proceedings; and (ii) Prof Stephan filed on 27 June 2024 in the Stephan Proceedings, for a collective proceedings order pursuant to section 47B of the Competition Act 1998 (the “**Act**”) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “**Tribunal Rules**”)

**AND UPON** reading the application of BIRA for permission to file and serve a short expert statement from an expert in the field of algorithms and the application by Prof Stephan to file and serve further expert evidence if BIRA’s application for algorithmic expert evidence was granted

**AND UPON** reading the application of BIRA for an Order that the PCR in the Stephan Proceedings answer certain questions

**AND UPON** the carriage dispute hearing listed for 11 to 13 November 2024 (the “**Carriage Dispute Hearing**”)

**AND UPON** hearing counsel for BIRA, counsel for Prof Stephan and counsel for the Proposed Defendants (“**Amazon**”) at a case management conference on 11 October 2024

**AND UPON** reading the correspondence from the parties regarding these orders dated 16 and 17 October 2024

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the BIRA Proceedings and Stephan Proceedings are to be treated as proceedings in England and Wales.

**Directions to Carriage Dispute Hearing**

2. By **4pm on 18 October 2024**, the PCRs shall file and serve any additional factual evidence that they wish to rely on at the Carriage Dispute Hearing.

3. BIRA shall have permission to file and serve a report from an expert in the field of algorithms, limited to no more than 12 pages, to be filed by **4pm on 21 October 2024** (the “**Algorithm Report**”).
4. By **4pm on 22 October 2024**, the PCRs shall file and serve their written submissions, limited to no more than 25 pages, regarding which of the two PCRs is most suitable to act as the class representative for the purpose of Rule 78(2) of the Tribunal Rules (the “**Carriage Dispute**”).
5. In accordance with the Tribunal’s direction in its letter dated 27 September 2024, by **4pm on 25 October 2024**, the PCRs’ respective expert economists shall file and serve a statement, limited to no more than 20 pages, summarising the methodology they propose to use. The statement should cover the expert’s own approach and should not be a commentary or critique of the other expert’s proposed approach.
6. By **4pm on 30 October 2024**, Amazon shall confirm whether it intends to participate in the Carriage Dispute Hearing and, if so, it shall (by the same time and date) file and serve written submissions limited to no more than 25 pages.
7. Prof Stephan shall have permission to file and serve any expert response report(s) to the Algorithm Report, limited to no more than 12 pages in total, to be filed by **4pm on 31 October 2024**.
8. By **4pm on 4 November 2024**, the PCRs shall file electronic and hard-copy versions of the agreed hearing bundle with the Tribunal.
9. By **4pm on 6 November 2024**, Amazon (if participating in the Carriage Dispute Hearing and if so advised) and the PCRs shall file and serve skeleton arguments in relation to the Carriage Dispute, limited to no more than 15 pages.
10. By **4pm on 7 November 2024**, the PCRs shall file electronic and hard-copy versions of an agreed bundle of authorities.

## **General**

11. In this Order, any reference to page limits is based on the document being printed on A4 paper in not less than 12 point font and 1.5 line spacing.
12. Costs reserved.
13. There be liberty to apply.

**The Honourable Mr Justice Roth**  
Chair of the Competition Appeal Tribunal

Made: 18 October 2024  
Drawn: 18 October 2024