



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case Nos:1641/7/7/24 and 1644/7/7/24

BETWEEN:

BIRA Trading Limited

Applicant/Proposed Class Representative

- and -

- (1) Amazon.com, Inc.**
- (2) Amazon Europe Core S.À.R.L.**
- (3) Amazon EU S.À.R.L.**
- ~~(4) Amazon Services Europe S.À.R.L.~~**
- (5) Amazon UK Services Ltd**
- (6) Amazon Payments UK Ltd**

Respondents/Proposed Defendants

AND BETWEEN:

Professor Andreas Stephan

Applicant/Proposed Class Representative

- and -

- (1) Amazon.com, Inc.**
- (2) Amazon Europe Core SÀRL**

~~(3) Amazon Services Europe SÀRL~~

(4) Amazon EU S.À.R.L.

(5) Amazon UK Services Ltd

(6) Amazon Payments UK Ltd

Respondents/Proposed Defendants

ORDER

UPON Professor Stephan's application dated 26 June 2024 for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the "**Rules**")

AND UPON the application by BIRA Trading Limited ("**BIRA**") dated 6 June 2024 for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Rules

AND UPON the Tribunal having listed a hearing regarding which of the two Proposed Class Representatives would be the most suitable to act as class representative for the purpose of Rule 78(2) of the Rules (the "**Carriage Issue**") for 11-13 November 2024

AND UPON reading the second witness statement of David Gallagher and the exhibit thereto ("**Exhibit DG2**") made in support of Professor Stephan's submissions on the Carriage Issue

AND UPON Professor Stephan's request dated 18 October 2024 for the confidential treatment of certain information in the emails appearing at item 7 of Exhibit DG2 as highlighted within the confidential version of Exhibit DG2 (the "**Confidential Information**", and the "**Confidential Version**" respectively)

IT IS ORDERED THAT:

1. Confidential treatment shall be accorded to the Confidential Information.
2. Professor Stephan, BIRA and their legal representatives shall take all steps to preserve the confidentiality of the Confidential Information.
3. BIRA and its legal representatives shall not disclose the Confidential Information to any other person.

4. Any application by the Proposed Defendants or a non-party to vary this Order (or any part thereof) shall be made on no less than two business days' notice to the parties.
5. Within three business days of the date of this Order, Professor Stephan shall serve the Confidential Versions on BIRA (if they have not already been served).
6. Subject to any further Order by the Tribunal, the Proposed Defendants and/or any non-party shall not be permitted to obtain the Confidential Versions or the Confidential Information, but shall only be permitted to obtain a copy of the non-confidential version of the second witness statement of David Gallagher.
7. Costs in the case.
8. There be liberty to apply.

The Honourable Mr Justice Roth
Acting President of the Competition Appeal Tribunal

Made: 31 October 2024
Drawn: 1 November 2024