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News story

CMA looks to appeal CAT judgment in JD Sports case

After careful consideration, the CMA has today applied for permission to appeal the CAT's recent judgment in the JD Sports/Footasylum case.

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Competition and Markets Authority (<https://www.gov.uk/government/organisations/competition-and-markets-authority>)



Last month, the Competition Appeal Tribunal (CAT) supported the Competition and Markets Authority's (CMA) analysis of the evidence, which led the CMA to conclude that JD Sports and Footasylum are close competitors and that the merger would lead to a substantial lessening of competition. However, the CAT ruled that the CMA should have requested further information about the impact of the coronavirus (COVID-19) pandemic.

It is the CMA's belief that the CAT misapplied the law in reaching this decision. The CMA determined that at the time of the final stages of its investigation – shortly after the UK had entered lockdown – the uncertainty facing retailers and suppliers meant they were not in a position to provide robust evidence on the medium to long term impact of coronavirus from which reliable conclusions could be drawn.

The CAT will now decide whether it will grant the CMA permission to appeal.

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