



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1671/5/7/24

BETWEEN:

(1) THE SCOTTISH MINISTERS
(2)-(15) SCOTTISH HEALTH BOARDS

Claimants

- v -

(1) ACCORD-UK LIMITED (FORMERLY KNOWN AS ACTAVIS UK LIMITED)
**(2) ALLERGAN UNLIMITED COMPANY (FORMERLY KNOWN AS ACTAVIS
PLC / ALLERGAN PLC)**
(3) INTAS PHARMACEUTICALS LIMITED
(4) ACCORD HEALTHCARE LIMITED
(5) WAYMADE PLC (FORMERLY KNOWN AS WAYMADE HEALTHCARE PLC)
(6) AMDIPHARM UK LIMITED
(7) AMDIPHARM LIMITED
(8) ADVANZ PHARMA SERVICES (UK) LIMITED

Defendants

CONSENT ORDER (STAY)

WHEREAS the CMA decision of 15 July 2021 in relation to hydrocortisone (“CMA Decision”) resulted in four separate judgments of the Competition Appeal Tribunal ([2023] CAT 56, [2023] CAT 57, [2024] CAT 17 and [2024] CAT 29)

WHEREAS the appeals in relation to the matters that are subject to the CMA Decision have not yet been finally determined

WHEREAS the Court of Appeal heard appeals (and applications for permission to appeal) in relation to related aspects of the Tribunal’s second and third judgments, i.e. Hydrocortisone (Cartel Infringements) ([2023] CAT 57) and Hydrocortisone (Due process) ([2024] CAT 17) in July 2024 and judgment was handed down on 6 September 2024: [2024] EWCA Civ 1023

WHEREAS the First to Fourth Defendants submitted applications to the Tribunal for permission to appeal in relation to the Tribunal’s first and fourth judgments, i.e. Hydrocortisone (Abuse of Dominance) ([2023] CAT 56) and Hydrocortisone (Penalties) ([2024] CAT 29) and such applications remain pending before the Tribunal

WHEREAS the proceedings against the First and Fourth to Eighth Defendants were stayed pursuant to the Tribunal’s Order made on 19 August 2024 (“Stay Order”)

WHEREAS the Claimants have served the Claim Form on the Third Defendant and are making arrangements to serve the Claim Form on the Second Defendant

UPON the Claimants and Third Defendant agreeing to the terms of this Order

IT IS ORDERED BY CONSENT THAT:

1. The proceedings against the Third Defendant shall be stayed immediately in accordance with the same terms as paragraphs 1 to 5 of the Stay Order (save that references to the First to Fourth and Eighth Defendants in the Stay Order shall be read to refer to the Third Defendant).
2. There shall be no order as to costs.
3. There be liberty to apply.

Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 18 September 2024

Drawn: 18 September 2024