



**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

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**CONSENT ORDER (STAY)**

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**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 (“First Stay Order”)

**WHEREAS** the proceedings against the Third Defendant were stayed pursuant to the Tribunal's Order made on 18 September 2024

**WHEREAS** the Claimants have served the Claim Form on the Second Defendant

**UPON** the Claimants and Second Defendant agreeing to the terms of this Order

**IT IS ORDERED BY CONSENT THAT:**

1. The proceedings against the Second Defendant shall be stayed immediately in accordance with the same terms as paragraphs 1 to 5 of the First Stay Order (save that references to the First to Fourth and Eighth Defendants in the First Stay Order shall be read to refer to the Second 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: 2 October 2024  
Drawn: 2 October 2024